

Adopted ~~June~~ August 2021

**The Summit at Mt.Crested Butte
Design Guidelines**

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Section 1

Purpose and Applicability

Title and Short Title

This document shall be known and may be cited as the "Design Guidelines of The Summit at Mt.Crested Butte" and shall hereafter be referred to as "Guidelines" or "Design Guidelines."

Purpose of the Design Guidelines

To protect the beauty of the natural environment

To enhance the aesthetic as well as monetary value of all property within The Summit at Mt. Crested Butte Subdivision

To maintain a harmonious relationship between the alpine designs and the natural scenery of the area

To maintain the attractive atmosphere created within the Subdivision

To provide a consistent basis of interpretation of The Summit residential owners' desires and covenants in accordance with the Town of Mt. Crested Butte's Land Use Code and jurisdiction.

To preserve view corridors. The rehabilitation of areas which have been scarred by construction or other temporary or discontinuous use may be required in an effort to preserve the views of the mountain slopes and maintain the integrity of The Summit.

Jurisdiction of Design Guidelines

The Provisions of these Guidelines shall apply to all lands within the limits of Filings 1, 2 and 3 of The Summit at Mt. Crested Butte. The Design Guidelines are supplemental to restrictions and processes of The Protective Covenants of The Summit Subdivision filed with the Town of Mt. Crested Butte and to the Town of Mt.Crested Butte Land Use Code. All documents must be considered together with the Design Guidelines clarifying the Protective Covenants.

Any conflict shall defer to the most restrictive of the documents.

Approval of the ACC is not a substitute for compliance with the Town of Mt. Crested Butte and the State of Colorado zoning and subdivision ordinances. Each applicant is responsible for obtaining all approvals, licenses and permits as may be required by the Town of Mt. Crested Butte, the State of Colorado and any other government agency having jurisdiction.

Section 2

Interpretation, Construction and Definitions

Interpretation of Guidelines

Where the standards or requirements imposed by the provisions of these Guidelines are either more restrictive or less restrictive than comparable standards or requirements imposed by the provisions of any other ordinance or resolution, or applicable rule, regulation or law of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

Rules of Construction

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:

The singular number includes the plural and the plural includes the singular;

The present tense includes the past and future tenses and future the present;

The word "shall" is mandatory while the word "may" is permissive.

The masculine gender includes the feminine and neuter; and

Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.

Definitions

ACC-The Architectural Control Committee and their staff and consultants responsible for the review and recommendations of all development issues within The Summit.

ACC Staff- The persons employed from time to time by the Residential Owners Association for the purpose of discharging the duties and obligations of the Design Guidelines.

Accessory Dwelling- An additional dwelling unit which shall be no larger than 800 square feet (livable space) in size, either within the primary dwelling, or as part of a detached garage. Only one accessory dwelling shall be allowed per lot. An accessory dwelling shall require one additional off street parking space in addition to the two enclosed parking spaces required.

Building- A structure including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, vehicles or property of any kind that is erected for permanent or temporary location on the grounds.

Building Envelope- Building envelopes have been suggested to reflect easements, setbacks, view corridors, privacy and topography.

Building Permit- A permit issued by the Building Official, after the Architectural Control Committee's issuance of a development permit, that allows a developer to erect, construct, reconstruct, excavate for a foundation, alter or change the use of a building or other structure or improvements of land.

Business Day- shall be defined as the days of Monday, Tuesday, Wednesday, Thursday, Friday, with the exception of all holidays.

Design Theme- The theme established by the Residential Owners Association to maintain and create a harmonious relationship between the natural setting of the Town of Mt. Crested Butte and architectural development. The design theme is directed at establishing a strong image and "sense of place" for the community within its mountain setting. The overriding goal of the design theme is to promote traditional mountain architecture with homes and buildings that have a high quality, custom appeal.

Dwelling Unit- A living unit used for residential living containing kitchen and bathroom.

Final Plan Approval- An approval which indicates that the general design of a building and associated landscaping has been reviewed by the ACC and conforms with the Design Guidelines and all applicable ordinances or such design has been granted a variance to Design Guidelines by the ACC.

Lot- A parcel of real property as shown with a separate and distinct number or letter on The Summit at Mt. Crested Butte Plat which has been recorded with the Gunnison County Clerk prior to incorporation.

Lot Owner or Owner- A person, persons, entity, entities or combination thereof which owns a Lot in The Summit at Mt.Crested Butte.

Metro Services- Services provided by Town of Mt.Crested Butte including sanitation, water, snow removal, etc.

Metro District- Lots within boundaries of Mt.Crested Butte whose utility, sanitation, and snow removal services are maintained by Town of Mt.Crested Butte.

Open Space- Lots or areas designated for no development of structures.

Preliminary Plan Approval- First step of approval of application for development granted by Architectural Control Committee.

Primary Dwelling Unit- Residence: 2500 sq. ft. living area min.

Roof Pitch- The slope of the roof, the relationship between the vertical rise and the horizontal projections of the roof. Stated as X inches of rise in 12 inches of horizontal run; i.e., 6:12, 8:12; 12:12, etc..

Single Family Lot- A lot which may not be further subdivided and which may be used for the construction of only one primary dwelling and one accessory unit.

Sketch Plan Review- The first step of the design review process relevant to all development initiated within The Summit subdivision. Such review is intended to ensure that applicants for design review approval are aware at the outset of The Summits overall design requirements.

SROA- Summit Residential Owners Association- comprised of any and all owners of a lot or lots within The Summit at Mt. Crested Butte subdivision.

Section 3 Administration and Procedure

The Architectural Control Committee

The ACC shall have the authority and responsibility to develop and adopt Guidelines according to Section 4 of the Protective Covenants and make the following decisions in accordance with the purposes, intentions, and provisions of these Guidelines:

Review and approve, approve conditionally, or disapprove a proposed building design, including but not limited to site, height, landscape plan, exterior building materials, and the general architectural expression of any proposed structure.

Review and approve, approve conditionally, or disapprove the proposed re-platting, reconfiguration, or any change in the dimensions and/or boundaries of a platted lot.

Establish and publish a schedule of fees to be charged for the processing of applications and issuing of development permits.

Adopt rules of order and procedure, as may be necessary or convenient, for conducting business and fulfilling responsibilities.

Either approve or disapprove the permit application within 30 days after it has been submitted. If the Board fails to act on the requested permit within 30 days, it shall be deemed to have been approved unless the applicant shall have consented to extend or waive such time limitations.

If an Owner's property is found to be out of compliance with these Design Guidelines, the ACC reserves the right, after reasonable notice to the Owner, to bring the property into compliance and to bill the owner for the work. The ACC reserves the sole right to determine compliance with the Design Guidelines.

Development and Building Permits

No person, company, partnership, or corporation shall, within The Summit at Mt. Crested Butte Subdivision erect or construct, or commence the erection or construction of, or alter or commence the alteration of, any type of building without first obtaining both written Final Plan Approval from the ACC and a building permit in accordance with the provisions of this document and the protective covenants.

Procedures for Obtaining Permits

The ACC shall collect the appropriate fees and assist the applicant in assembling the necessary documentation supporting the application prior to its submission to the ACC for its consideration. After the ACC has examined and given Final Plan approval to the requested permit, the ACC shall issue written approval to the applicant.

Section 4

Design Theme

The Summit at Mt. Crested Butte Design Theme is directed at establishing a continuity of design responding to traditional mountain architecture while incorporating contemporary elements and handcrafted detailing. It is important that the owners understand the necessity of balance and harmony when responding to the environment and community with their design solutions.

Buildings should be distinctive and have individuality with continuity in materials, roof form and color to collectively appear as a cohesive, residential community.

Designs are evaluated based on levels of perception created when planning roof forms, massing, topography, and landscaping. Built forms should not dominate the landscape, and massiveness should be in proportion to the proposed function. Planting and re-vegetation should emulate the natural state of the environment, large areas of sod should be avoided.

The approach to the site should be carefully considered and not be dominated by the underside of decks or garage doors.

Construction, particularly north walls, should consider energy efficient glazing, while south walls should incorporate passive solar design. The entry should be well defined and responsive to sheltering from the elements. Handcrafted detailing and artistic metalwork are to be promoted within the limits of tasteful design.

Bridges and covered passages should be used to link buildings together, and all retaining walls visible to the public must be stone faced.

Section 5

Site Planning

General

Siting of structures and routing the access to them is important in developing a harmonious home site which responds to the natural topography of the area. Consideration must be given to neighbors in determining height and available views.

Building Siting

Siting must reflect existing topography of a site, organizing the massing of a building to respond rather than dominate.

Large roof planes should be broken so as not to defer attention from the natural environment.

Snow shedding must be considered as well as snow storage. Tree plantings should be used to soften edges and "nestle" structures.

Building Setbacks

The minimum front setback shall be twenty (20) feet, the minimum side setback shall be ten (10) feet, and the minimum rear setback shall be twenty (20) feet, or ten (10) feet if one (1) side setback is at least twenty (20) feet; provided that one (1) foot of additional side and rear setback shall be required for each two (2) feet of building height over fifteen (15) feet. Retaining walls, driveways, and parking areas may be located within the setback if specifically approved by the ACC. The ACC may, in its reasonable discretion, impose greater setback requirements in the event of circumstances unique to individual situations if required for safety, aesthetic, or other reasons. Suggested building envelope locations should be considered for the preservation of view corridors.

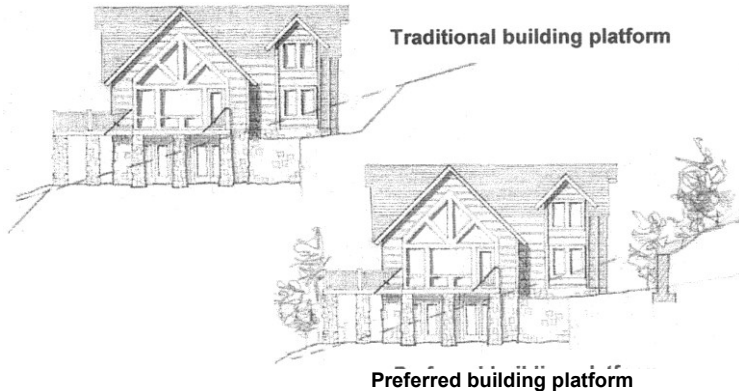
Variances will be considered by the ACC for particularly difficult lots.

Building Footprint

The building footprint for structures on lots in The Summit must be no greater than 25% of the gross lot size for single story residences, or 15% for multiple stories. Where a larger lot has resulted from the vacating of a lot line (combined lots), the building footprint shall not increase in proportion because of the resulting larger lot. Instead, the building footprint shall remain that footprint associated with one lot. In other words, the building footprint shall not be increased because the lot is larger. Please note the annual HOA fee will remain in effect for all original lots in the case of a vacated lot line. Decks shall be considered at .25ft/ft as a percentage of site coverage, i.e., a 100 sq.ft. deck would be considered 25 square feet for purposes of calculating coverage. Open covered areas shall be considered at 50%. Split levels will be considered multiple level.

Grading and Drainage

All grading within a project must relate to and blend into the existing roads, drainage swales, and the surrounding natural landscape.



All cuts and fills shall feather into the natural topography. Any cut or fill resulting in a slope of 2:1 or greater must be retained with boulders or stone faced wall as approved by the ACC and designed by a Colorado Registered Soils Engineer.

Any retaining structure not visible to the public may have alternate facing or construction to be approved by the ACC.

What is considered public view is at the discretion of the ACC. A grading/drainage plan must be provided for Sketch Plan Review Application.

Modifications to existing natural drainage patterns must have specific written approval of the ACC, as well as any other governing agency having jurisdiction. In areas where drainage swales are created to direct runoff, erosion-control

blankets must be used to slow velocity of runoff, decrease erosion, and promote quick re-vegetation.

Boulder walls will not be considered within the ACC calculations for exterior wall material requirement.

Driveways

Driveways connecting to any street or access tract (including the construction of any culverts, landscaping, maintenance, and snowplowing that may be necessary) are the responsibility of the owner. Maximum driveway grades can not exceed 5% for the first 20 feet from the roadway, may not exceed 8% on any radius, and can not exceed 10% elsewhere per Town of Mt. Crested Butte Code.

Approved driveway and parking surfaces include asphalt, concrete, pavers, or "turf block". The use of gravel as a surface material for driveways or parking areas is not permitted. Time will be allowed for completion allowing for compaction.

Parking

All parking shall be within the parcel boundary, off public and private right-of-ways as well as the general easements. Each residential lot will provide enclosed parking for a minimum of two vehicles. In the event there is a caretaker unit, a third space will be required (not necessarily to be enclosed). All exterior parking spaces must be at least 10'X20', interior spaces a minimum of 9'X18'.

Retaining Walls

Retaining walls should be designed as an extension of buildings or relate to the building form and should blend gracefully into the existing terrain. Retaining walls should not exceed six feet in height and should be faced with native stone. Walls constructed without mortar, not for retaining (dry-laid), should not exceed four feet in height.



Retaining walls help blend building platform into natural topography

Storage Enclosures

Boats, motorcycles, trailers, campers, maintenance and recreational equipment, etc. must be stored in an ACC approved garage or a storage enclosure. Walls or buildings enclosing these items must be compatible with the materials and integrated with the architecture of the residence.

Utilities

All utilities, plumbing and supply lines must be underground to and from any service. Sewage disposal systems must be installed pursuant to Mt. Crested Butte Water and Sanitation District Regulations. All areas disturbed in the construction must be re-vegetated.

Antennas

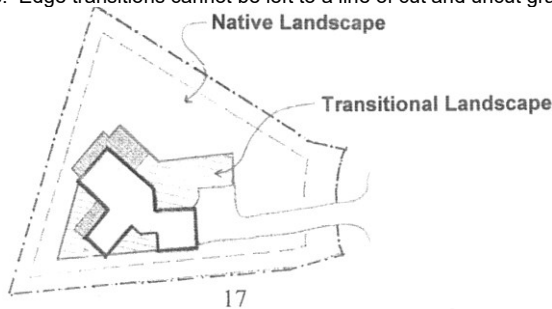
No antennas taller than twelve (12) feet or dish antennas larger than one (1) meter in diameter are permitted. The ACC requests that all plans submitted for design review indicate placement of any dish or other antennas.

Section 6 Landscape and Site Amenities

Design Considerations

Landscape at The Summit should serve to diffuse the visual impact of the built environment and help blend into the open space as it now exists. Since The Summit is treeless and highly visible, the transition from buildings to the natural surroundings is critical.

Landscape must be planned with the concept of transitional zones. Where formal or groomed planting gives way to the natural landscape, the transition must be defined. This can be accomplished through a natural transition using boulders, wildflowers, or shrub beds. Edge transitions cannot be left to a line of cut and uncut grass.



Sight lines at roadway intersections must be preserved. Planting can be used effectively to screen decks for privacy and to avoid glare from automobile lights. Planting should be used to soften edges of driveway.



New plantings shall include primarily plant material indigenous to the zone. A list of recommended plant materials native to sub-alpine zones of Central Rocky Mountains is located in the Appendix to these Guidelines.

Plants allowed are those listed in the Mt.Crested Butte Land Use Code. A plant/seeding list must be provided with plans for ACC approval. All planting proposed within side yard setback must be low so as not to obstruct views.

Soil Preparation

Before excavation, topsoil must be stripped and stored on the site, or in a location approved by ACC. Good quality topsoil must be replaced in areas requiring landscape

and re-vegetation. Landscaping must be kept alive and in good health or may be required to be replaced at ACC's discretion.

Irrigation

An automatic irrigation system will be required in landscape areas which include sod and flower beds to ensure efficient use of water. Irrigation system designs must include tap location and type of back flow prevention device to be used. Irrigated areas shall not be designed to exceed 5,000 square feet for each lot.

Irrigation water sensors shall be required on all residential buildings to ensure water management. Use of water conservation materials is encouraged.

Re-vegetation and Erosion Control

Road, driveway and utility cuts must be re-vegetated within 30 days of the disturbance to avoid unsightly scars on the landscape. Newly seeded areas must be protected from wind and water erosion through the use of mulches. Acceptable mulches are wood chips, straw, hydro-mulch, and erosion-control netting.

The ACC shall require an erosion control and re-vegetation plan prior to Final Plan Approval. These plans must explain in detail the measures to be used to permanently stabilize and re-vegetate disturbed areas during and after site development. Provisions must be made to retain any boulder/rock released during excavation to prevent rolling off property.

Planting

Planting must at a minimum comply with Town of Mt. Crested Butte's requirements. Further landscaping and maintenance is encouraged and may be required by ACC.

Exterior Lighting

The lighting of a residence must be subdued, understated and indirect. Exterior lighting source shall not be visible from neighboring properties, or where it produces glare to vehicles. Glare to neighboring properties shall not be permitted.

Temporary holiday lighting must not detrimentally affect neighbors. Exterior lighting fixtures are subject to the discretion of the ACC. All lighting must comply with Town of Mt. Crested Butte Ordinances.

Fences

All proposed fences/enclosures are up to the discretion of the ACC and are subject to review prior to erection. The ACC may require any fence or enclosure erected without ACC approval to be dismantled and/or removed from premises at owner's expense.

Address Monuments

Residences may have lighted address monuments at the driveway entry. The design must be pre-approved by the ACC. The material used can be stone, stucco, or wood and must relate to the architecture of the building.

Signage

"For Rent" signs are not permitted.

Temporary Construction Signs

One construction sign per building site shall be permitted. This sign will be allowed on projects which have received Final Plan Approval from the ACC and have commenced construction. If construction is abandoned, the sign must be removed.

The sign must meet following criteria:

1. The graphics, color selections and sign location are subject to ACC Approval.
2. The information is limited to:

Project Logo
Description brief of the Project
Project Consultants
Project Developer
Project Lender
Contractor
Designer
Phone Number (2) maximum

Signs must be removed within fifteen (15) days of issuance of final Certificate of Occupancy.

Brochure Boxes

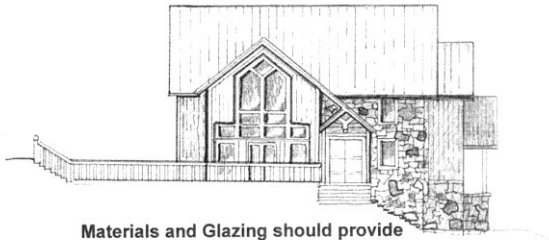
Brochure Boxes are permitted only after review by ACC.



Landscaping should provide a
buffer between the natural and
built environment...



Massing and roof forms
should reflect the natural
topography of the site...



Materials and Glazing should provide
interesting relief to facades....

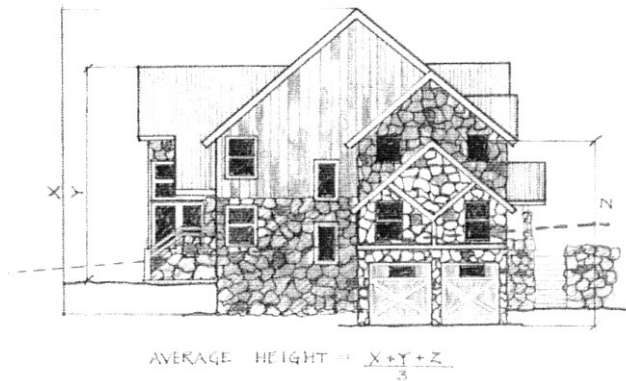
Section 7 Architectural Requirements

Building Height Requirement

The objectives of this section are to preserve the spectacular views from The Summit and to encourage buildings that conform to the topography.

All buildings within The Summit shall have a maximum height of 30 feet, with credits granted as follows:

<u>Pitch</u>	<u>Credit in Feet</u>
8:12	2
9:12	3
10:12	4
11:12	5
12:12	6



Maximum Height Limit

Maximum Height shall be computed as follows: For each elevation, measure the distance from the average finish grade adjacent to each significant building design element to the highest point of that element. The height of each elevation is the average height of the significant design elements on that elevation (see diagram above). The height of each elevation may not exceed 30' plus any credits granted for the roof pitch as computed pursuant to the previous paragraph. Finish grade is defined as the elevation of the ground surface, following development, adjacent to the completed walls of the structure, prior to the placement of any fill. Preexisting and post construction grades must be indicated on all elevations with the relative building heights prior to Final Plan Approval. Each plan submitted for design review should also include a computation of the average building height for all four elevations.

Chimneys, flues, vents or similar structures may extend up to ten feet above the specified Maximum Height Limit.

Spires, towers, and other special architectural features, may extend over the specified Maximum Height Limit upon special review by ACC. Generally height of these

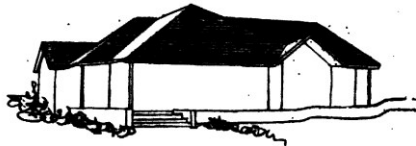
elements should be no more than 20% of building height above ridge. This allowance is subject to the discretion of the ACC.

Roofs

Roof pitches are encouraged to be steep with height credits granted accordingly. Snow/ice shedding is a crucial consideration in roof design. Roof forms must be simple and varied. Long spans of unbroken ridges should be avoided. Primary roof forms must be pitched no less than 8:12 and no greater than 12:12 and should be gabled or hipped. Secondary roofs can be no less than 4:12. Valleys must be carefully considered due to their potential for ice buildup and ensuing leakage problems. Dormers are encouraged and may have gable, hip, or shed forms and may be stacked.



Gabled Roof

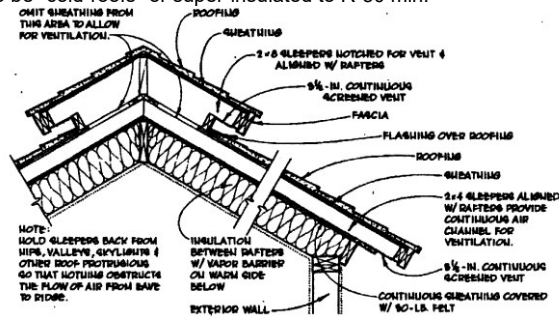


Hipped Roof with Gables

Roof material is restricted to matte finished metal (in subdued earth tones), cedar shake (fire-resistant), 1/2" slate, and self rusting "Cortene" in conjunction with wood and stone finish.

All roof material and color must be approved by ACC. All exposed flashing, gutters, downspouts, and snow fences must be matte finished or copper. Vents and chimneys should be located towards ridge and shall have snow diversion roof.

Roofs are encouraged to be "cold-roofs" or super-insulated to R-50 min.



Cold Roof Example

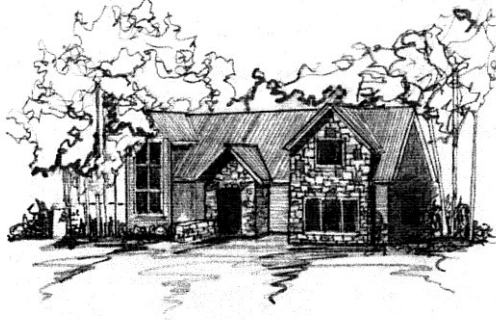
Chimneys made of wood or of exposed metal pipe are not permitted. Flat cap and spark arrestor are recommended.

Equipment mounted on roof should not be visible. TV or satellite dish is not permitted on roof ridges.

Exterior Walls

The design of exterior walls should denote massiveness and simplicity. Massiveness must be balanced with the potential for buildings to be cumbersome, and must portray strength and stability. Exterior walls must respond to their orientation and incorporate passive solar design. Construction, particularly north facing walls, should consider energy efficient glazing while south exposures should welcome the solar gain.

Exterior wall materials shall be strictly limited to include approved stone, stucco and wood. No more than three materials should be incorporated in exterior application.



Windows shall be non-mirrored and appear deeply recessed. Long continuous balconies shall be avoided, bay windows should be architectural in nature and continuous to the horizontal plane, i.e. no "pop-out" bays.

Exterior Walls - Material Application (Rock)

Rock or stone from the Crested Butte, Gunnison valley area should be set in a random pattern with minimum exposed mortar and deep reveals between rocks. Alternate rock may be approved by ACC. Rock must be incorporated in wall design- a minimum of 25% (excluding retaining walls) is recommended. Using rock as a vertical element is encouraged.

Exposed concrete foundations are not allowed. Stone-faced foundations are recommended. Where stone is used in combination with other materials, the wall plane should change with materials and the second material should not overlap the stone.

Exterior Walls - Material Application (Stucco)

Stucco walls should portray a building of mass, should have a smooth surface, with soft rounded corners and deeply recessed doors and windows to reinforce that mass. Stucco colors need to be primarily light earth tones and are subject to the approval of ACC. Exterior wall insulation and finish systems may be used, subject to ACC approval

Exterior Walls- Material Application (Wood Siding, Wood Shingles and Heavy Timber)

Horizontal or vertical wood siding, wood shingles, logs, and timbers are acceptable exterior materials. Log will be a minimum of 12" with 8"X8" being minimum size for timber. Wood siding must be minimum of 1"X8" in dimension and treated with semi-transparent stain or preservative oil to maintain natural characteristics of the wood.

Exterior Walls-Material Application (Concrete)-

Exposed concrete may not be used as a wall material. Areas of concrete must be faced with stone, wood or stucco.

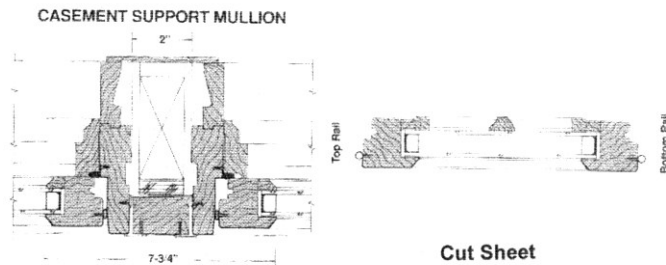
Color

Exterior color throughout The Summit must be subtle, warm earth tones. Details may be contrasting deeper earth tones. Roofs should be deeper in tone than wall colors.

Samples must be provided for Final Plan Approval and are subject to the discretion of ACC.

Windows

Windows are an important element in defining the architectural expression of a design solution. Large uninterrupted expanses of glass must be avoided and combinations of windows need to be used to create interesting planes. Window casings must be wood, stained or painted, or metal clad. Divided lite windows will be individual glass lites with permanent muntins. The use of removable grid (false muntins) is not permitted. Cut sheets, dimensional picture, or product sample may be required.



Uninterrupted glass areas cannot exceed 30 square feet. The ACC reserves the right to approve uninterrupted glass area in excess of 30 square feet when, in its sole judgment, larger uninterrupted glass is more appropriate for the design of a building and does not compromise the integrity of The Summit. This approval in no way negates the option of the ACC to deny other applications for more than 30 Sq. Ft.

When located in stucco or stone-finished walls, face of the glass must be recessed 5" minimum from face of stone. Built out "eyebrows" cannot be used to circumvent the intent of the window recess requirement. Continuous band of windows must be avoided.

Windows must be double or triple glazed and non-mirrored. If shutters are used on exterior walls, they must be operable. Heavy timber, granite, or sandstone lintels and sills are encouraged for windows within stucco or stone walls. Bay windows are encouraged to break up wall planes, and must carry down to a horizontal (deck or foundation) or roof plane.

Solar Panels

Solar panels, including framing and supporting materials, shall blend with the proposed roof color. There shall be no free standing (pole or yard mounted) panels, and panels shall be mounted at the same pitch as the roof on which they are mounted.

Doors and Entryway

Entry doors and entryway must reflect craftsmanship and individuality. The entryway must be defined and interesting, creating a strong sense of arrival. Front door must not be hollow metal and should convey security and artistic transition. Where doors are in stucco walls, exterior face of door must be recessed a minimum of 7" from face of exterior wall.

Garage doors should present a custom craftsmanship appeal and should not be a dominant feature.

Decks and Balconies

Decks and balconies must not be a dominant feature on the landscape. They should provide visual interest and variety. Long, continuous bands of balconies will not be approved. Solid railing enclosures are to be avoided. Cable railings and cable balusters are not acceptable. Steel railings and balusters are up to the discretion of ACC. Solid balconies are to be discouraged.

Insulation Requirements

Roofs must be minimum of R30 and are encouraged to be R50 or greater.

Walls must be insulated to R19. Crawlspace must be insulated to R38. Openings in exterior walls and roofs should be caulked all around. Windows must be double or triple glazed. Fenestrations must be weather stripped. Log walls should include infiltration control.

Fireplaces

Fireplaces, wood burners and other solid fuel burners must have spark arrestors. The burning of coal is not permitted.

Preservation of Easement areas

There shall be no encroachment or disturbance of easement areas. Specifically, but without limitation, easements shall not be impeded by rock walls, drainage ditches, shrub, trees, construction staging, or driveways.

Noise Generating Devices

The emission of noise, whether from condenser fans or otherwise, must be minimized. The ACC has discretion to require mitigation, relocation, or removal of any noise generating device that interferes with the quiet use and enjoyment of an owner.

The Summit at Mt. Crested Butte encourages the use of sustainable, green building practices.

Section 8**Construction Regulations****Deviation from Construction Staging Plan**

No construction staging shall be permitted which is contrary to the scope and design intent within the Development Permit. Only materials for that particular development may be stored on the defined lot. All proposed modifications to, alterations or deviations from the Approved Final Plans shall require the review and approval of the ACC and The Town of Mt. Crested Butte.

Construction Hours

Construction is only permitted:

- 8:00 AM - 6:00 PM Monday through Friday
- 9:00AM – 5:00PM Saturday

Construction is NOT Permitted:

- **Sundays**
- **Holidays**

If blasting is required, the Owner/Owner Agent is required to take all necessary precautions and notify adjacent Owners, Mt.Crested Butte Fire District, local traffic, pedestrians, etc. prior to blasting.

Construction Staging Area

All construction staging must take place within the area designated and defined during Final Plan Approval. Any staging on Lots, which was not approved in the Final Plan, shall require further ACC approval. Staging on other Lots shall be restricted to construction materials only, and shall not include equipment. No construction equipment shall be stored on any Lot when such equipment is not in use.

Owner must obtain prior written permission from adjacent lot owners if their property is to be infringed upon. All disrupted areas must be restored and re-vegetated promptly.

Trash Containment and Removal Trash and construction debris must be kept in containers that have been approved by the Mt.Crested Butte building department. Containers must be emptied on a regular basis to insure sufficient room to store trash at the end of the day. It is the responsibility of the General Contractor to remove and dispose of container contents. Any construction debris outside containers is not permitted. All trash containers and construction materials must be retained on site and not in right of way. Any interference in the right of way may be remedied by removal by The Summit at owner's expense.

Temporary Structures

A small job or office trailer may be parked on site during construction, the location of which must be defined on Staging Plan. Trailer must be removed from site prior to receipt of Certificate of Occupancy.

Environmental Controls

Areas defined on the Topographical Survey that require preservation methods must be identified and preserved by the General Contractor.

Erosion control measures must be taken during construction to insure soil stabilization, sediment control, and timely re-vegetation. Disrupted areas shall not impede drainage ditches engineered to accommodate water flow to sewers and catch basins. Shoulders must be restored to original condition- min. of 2'. The General Contractor is responsible for the implementation of all preservation techniques.

The general contractor must provide for boulder and rock retention to prevent damage to adjacent property during earthwork, materials storage, and construction.

Utilities

All utilities related to the site must have prior review and written approval from the Metro District before excavation.

All utilities must be screened from view (meter boxes, electrical boxes, etc.).

Street Sweeping

All debris shall be swept from the public roadway within 48 hours, or prior to any weekend or holiday, whichever occurs earlier.

Section 9 **Landscape, Paving and Construction Completion Policy**

Landscape and Paving Completion Policy

If a Temporary Certificate of Occupancy for any portion of a project is issued between May 1 and October 1 of any year by the Town of Mt.Crested Butte, all landscaping, paving and walks contained in the approved Landscape Plan shall be completed within twelve (12) months following issuance of such Certificate. If a Temporary Certificate of Occupancy for any portion of a project is issued after October 1 and prior to May 1, all landscaping, paving, and walks contained in the approved Landscape Plan shall be completed on or before the second occurring July 1st. In the event these requirements are not met, the ACC may notice Owner by certified mail and contract for completion to be paid for from Deposit Funds. In the event the Deposit Funds are insufficient, ACC may opt to lien the property for the amount necessary for completion which may be foreclosed upon in the manner for foreclosures of mortgages in the State of Colorado. The amount due in the event of The Summit causing completion shall be the sum of all costs incurred plus a pro rata portion of administration and overhead, plus all costs, fees and attorney's fees incurred in the lien process including, but not limited to, foreclosing on the lien, plus an amount equal to eighteen (18%) per annum of the sum of the previous items.

Section 10 **Design Review Process**

Design approval by ACC is required prior to issuance of a Building Permit. There are four required steps in this process.

1. Sketch Plan Review
2. Notification of Summit property owners by U.S. Mail
3. Preliminary Plan Review
4. Final Plan Approval by ACC

1. Sketch Plan Review

Each applicant shall participate in a pre-application conference/sketch plan review with ACC design staff to cover relevant issues in proposed design and application. It is recommended this take place prior to undertaking substantial effort and expense in the design process. Items needed for sketch plan review are elevations and site plan. The applicant and/or applicant's architect must certify that they have read the Summit Design Guidelines prior to this meeting. More information may be requested as a result of the conference. A Sketch Plan Review is mandatory. A fee is required for Sketch Plan Review.

2. Notification Requirements

All applicants for Preliminary and Final Plan Approval are required to:

Notify the managing agent of The Summit Residential Owner's Assoc. of their intent to file an application.

Notify by US Mail all property owners within the Summit of their intent to develop.

Once the Applicant has completed sketch plan review, the applicant may submit six (6) complete sets of Plans Stamped by Colorado Licensed Architect or Engineer to the ACC for consideration for Final Plan Approval. Applicant shall obtain address information from the association's managing agent and shall deliver one plan set each to the five ACC members, the managing agent, and the association's review architect. These plans must be received a minimum of fifteen days prior to proposed ACC meeting.

Prior to ACC acceptance of an Application for Preliminary Plan Review, applicant must show proof of Noticing by U.S. Mail of all property owners within The Summit of applicants' intent to develop, dated a minimum of thirty (30) days prior to proposed meeting. Applicant must also notify ACC thirty days prior to proposed meeting of their intent to submit an application for Preliminary Plan Review.

Requirements For Consideration:

1. Site plan- Scale: 1"=20'Min. Shows all improvements including building location, property boundaries and setbacks, building envelope boundaries, driveways, walkways, etc. Bird's eye view of roof may be shown on this plan or on separate drawing.
2. Topographical Survey showing existing contours @ 5' min, adjacent road elevations, existing improvements, existing vegetation and any drainages. Survey must be prepared by a Colorado Registered Soils Engineer.
3. Grading/drainage plan- Scale 1"=20'min.: Contours @ 2' min. indicating final grade w/ existing grade contours dashed. Limits of site disturbance, proposed culvert sizes.
4. Architectural Floor Plans- Scale 1/8"=1' min.
5. Footing and Foundation Plan- Scale 1/8"=1'-0" min.
6. Building Elevations- Scale 1/8"=1'-0" min. Indicate pre and post construction grades and building height.
7. Building/site section-Scale 1/8"=1'-0" min. Showing building height as it relates to site.
8. Construction Staging Plan- Scale 1/8"=1'-0" min.
9. Design Details and Specifications- Cold Roof, recessed windows/doors, etc.
10. Landscape/ Irrigation/ Re-vegetation Plan Scale:1/20"=1'-0" min.- plant list, irrigation components
11. Erosion Control Plan - Scale 1/20"=1'-0" min. may be included on Construction Staging Plan. Must show means and time frame for erosion control and re-vegetation during and after construction.
12. Color board, material samples, color specifications

13. Snow Management Plan delineating any snow shedding areas with adequate space for snow accumulation and storage.
14. Soils Report prepared by Colorado State Registered Geotechnical Engineer
15. Model with contours and/or two perspective drawings illustrating four elevations and their relationship to the Site.

Variances

It shall be the duty of the Applicant to request a variance in cases where the Development Proposal varies from the Design Guidelines and/or the Protective Covenants. The ACC reserves the right to require further documentation as it sees fit to properly ascertain the nature of a variance. The approval by the Town of Mt. Crested Butte does not necessitate the approval by the ACC. If the variance is requested after Final Plan Approval by ACC, the ACC will act expeditiously, but takes no responsibility for construction delays while processing the request. Applications for variances/alterations after final approval, require a nonrefundable fee in the amount of \$500.00 for each request for consideration.

4. Final Plan Approval By ACC

[The Final Plan approval will only be based on the formal stamped "Permit Set" of drawings which will be submitted to the town for the building permit application. Any alternations to these Permit Set of drawings by the town or other must be reviewed by the ACC.](#) At Final Plan approval, the ACC will consider any changes requested in the Preliminary Plan review. Once ACC Final Plan Approval is granted, letter of Approval will be issued by ACC or designee and may be submitted to Town of Mt. Crested Butte for their consideration. Final plan approval must be received from the ACC and all relevant conditions of such approval must be resolved to the satisfaction of the ACC prior to issuance of a building permit. Approval by the ACC is not necessarily guaranteed.

Applicant must submit any requests for any modifications taking place after Final Plan Approval to ACC design staff. The ACC design staff shall determine what constitutes minor and/or substantial changes on a case-by-case basis. Modifications deemed by ACC design staff to be substantial, such as site coverage, rooflines, exterior building materials, etc., must be approved by the ACC.

[Prior to Final Plan approval, the applicant\(s\), architect, and builder must sign this Design Guideline and fee schedule. See last page.](#)

The ACC shall not be finally committed or bound by any preliminary or informal approval or disapproval until complete architectural and site development plans, specifications, material and colors are submitted and approved or disapproved in accordance with the procedures set forth herein. There shall be no vested rights until the Town of Mt. Crested Butte has authorized in writing a development permit with the written approval of The Summit ACC or as described in Protective Covenants.

Section 11

Fees & Deposits

Review Fee: A non-refundable application review fee of \$1,200.00 is required to request preliminary plan review. Review fee expenses include, but are not limited to, architectural fees, the fees of any other individuals retained by the Summit to analyze the proposed design, and the time of the Summit's managing agent required to administer the design review process.

Clean-up Deposit: prior to issuance of Final Plan Approval by the ACC, the owner requesting such approval shall deposit with the SROA a Clean-up Deposit in the amount of at least \$5,000.00, per lot. The deposit will be held until all construction, landscaping and paving have been completed as shown in the plan, plus any modifications, as approved by the ACC, all construction debris, equipment, materials, trailer, fencing, and other construction-related items have been removed from The Summit boundaries, all repairs are complete, and a certificate of occupancy has been issued by the Town of Mt.Crested Butte. If this work is not completed within a reasonable time, the ACC may, after notification to the owner by certified mail, contract for completion of the work. If the costs of clean up and/or repair exceed the amount of the Clean-up deposit, the Owner shall reimburse the ACC for all such costs. In addition, to the extent the Clean-up Deposit falls below the amount originally imposed, the ACC may require deposit of additional funds sufficient to satisfy the amount originally imposed. In the event the Deposit Funds are insufficient, ACC may opt to lien the property for the amount necessary for completion, which may be foreclosed upon in the manner for foreclosures of mortgages in the State of Colorado. The amount due in the event of The Summit causing completion shall be the sum of all costs incurred plus a pro rata portion of administration and overhead, plus all costs, fees and attorney's fees incurred in the lien process including, but not limited to, foreclosing on the lien, plus an amount equal to eighteen (18%) per annum of the sum of the previous items. Notice of intent to lien shall be made by certified mail to owner prior to any action taking place.

The remainder of the Clean-up deposit will be refunded upon request of the owner to the association's managing agent, after the owner has received a certificate of occupancy, has completed all landscaping, and has removed all debris and construction items including silt fencing from the site. The remainder of the clean-up deposit will be refunded once the managing agent has verified that all of the above conditions have been met. Verification of clean-up can only take place if the building site is clear of snow.

Compliance Deposit: Prior to commencement of construction, a deposit of \$ 240,000 shall be deposited with SROA for the purpose of ensuring that the construction proceeds as approved in the final plan and per these guidelines. Such deposit shall be refundable in whole or in part subject to section 12, upon completion of project as approved in final plan and issuance of a certificate of occupancy by the Town of Mt Crested Butte.

Variance Fee: . Applications for variances after final plan approval shall require a nonrefundable fee in the amount of \$300.00 for each review request.

Bond or Irrevocable Letter of Credit: The ACC may, in its discretion, require a bond or irrevocable letter of credit as security in the event it deems the construction poses a risk of damage to the site or surrounding areas due to including, but not limited to, soil stability. Additionally, the bond or irrevocable letter of credit may be used to restore an abandoned construction site.

Section 12 Enforcement and Forfeiture of Deposit Due to Noncompliance

Failure of an owner to comply with any provisions in the Guidelines may result in forfeiture of all or a portion of the Clean-up and Compliance Deposits. Such forfeiture shall constitute a special assessment and shall be handled in accordance with the Association's Collection Policy. Forfeiture of the Deposits shall not relieve the owner of the obligation to deposit additional funds sufficient to satisfy the Clean-up deposit amount originally imposed.

<u>Infraction</u>	<u>The Summit HOA fee</u>
<u>Contractors working outside of Summit HOA established work hours without prior written approval. Allowed work hours are:</u> <ul style="list-style-type: none"> • <u>Monday – Friday = 8am ~ 6pm</u> • <u>Saturday = 9am ~ 5pm</u> • <u>Sunday = no allowed work hours</u> 	<u>1st offense = Written notification</u> <u>2nd offense = \$500</u> <u>3rd offense (and all future offenses) = \$1,000</u> <u>Fee based each day.</u>
<u>Unapproved design changes</u>	<u>Forfeiture of HOA compliance deposit</u>
<u>Material / equipment storage on lots without written owner approval</u>	<u>Forfeiture of HOA compliance deposit</u>
<u>Parking infractions (i.e., overnight street parking, winter on street parking, both sides of street, etc.)</u>	<u>\$100 per day</u>

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Signatures indicate understanding and adherence to these guidelines:

	<u>Signature:</u>	<u>Printed Name:</u>	<u>Date:</u>
<u>Applicant</u>			
<u>Applicant</u>			
<u>Architect</u>			
<u>Builder</u>			

These Guidelines may be amended from time to time by the majority vote of the ACC.

Appendix

Recommended Plant List

Native Landscape Area

Deciduous Trees

Populus tremuloides

Quaking Aspen

Shrubs

Salix spp

Native Willow

Grasses

Native grasses

Transitional Landscape Area

Deciduous Trees

Populus tremloides

Quaking Aspen

Shrubs

Alnus tenuifolia

Mountain Alder

Amelanchier ainifolia

Serviceberry

Cercocarpus montanus

Mountain Mahogany

Chrysothamnus nauseosus

Rabbitbrush

Cornus stolonifera

Redtwig Dogwood

Jamesia americana

Waxflower

Juniperus communis

Common Juniper

Juniperus sabina

Buffalo Juniper

'Buffalo'

Juniperus sabina

Tam Juniper

'Tamarisafolia'

Lonicera involucrata

Twinberry

Honeysuckle

Lonicera korolkawii

Zabel's

'Zabelli'

Honeysuckle

Potentilla fruticosa

Potentilla

Prunus besseyi

Western Sand

Prunus virginiana

Cherry

Quercus gambeli

Chokecherry

Rhus trilobata

Gambel Oak

Ribes aureum

Three-Leaf Sumac

Yellow Flowering

Currant

Ribes cereum

Squaw Currant

Ribes alpina

Alpine Currant

Ribes inerme

Gooseberry

Rosa woodsii

Wood's Rose

Rosa rubrafolia

Red-leafed Shrub

Rose

Rosa rugosa
Rubusidaeus

Shrub Rose
Wild Red
Raspberry

Sambucus pubens

Native
Red-berried Elder

Salix 'Bebbiana'
Salix purpurea nana
Symphoricarpos albus
Symphoricarpos oreophilus

Bebb's Willow
Dwarf Arctiv Willow
Snowberry
Mountain
Snowberry

Syringa vulgaris
Yucca glauca

Lilac
Yucca