

Crested Butte South Property Owners Association

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CRESTED BUTTE SOUTH SUBDIVISION RESIDENTIAL DESIGN GUIDELINES

1. Relationship to Protective Covenants, Amendments, and Other Regulations

The Design Guidelines are supplemental to restrictions and processes established in the Amended and Restated Covenants and Restrictions for Crested Butte South Subdivision recorded in the records of Gunnison County, Colorado. Owners of each Lot are encouraged to review both documents together.

While deviations from these *Residential Design Guidelines* may be considered by the P.O.A. Board of Directors on a case-by-case basis, deviations from the *Amended and Restated Covenants and Restrictions for Crested Butte South Subdivision* can only be granted by the P.O.A. Board of Directors via the CB South Variance Process, as detailed in Section 1.1 below.

Variance applications shall be heard separately by the CB South P.O.A. Board of Directors. An application shall first be heard by the P.O.A. Board of Directors, then either granted or denied by the CB South P.O.A. Board of Directors before entering into the CB South Design Review Process. Please be mindful that variance requests will add time to our review process.

Compliance with the design review process is not a substitute for compliance with all building permit requirements of Gunnison County, Colorado. Each Owner is responsible for obtaining all approvals, licenses and permits as may be required by Gunnison County, Colorado and any special district or other entity providing services to the Lot prior to commencement of construction.

These Design Guidelines may be altered, amended, revised or enlarged at any time by the Board of Directors of the Crested Butte South Property Owners Association. Written notice of any such change, amendment or revision shall be furnished to all Lot Owners following the adoption thereof. The Board of Directors shall serve as the Design Review Committee ("DRC"). The Board of Directors may appoint other members of the Association to serve on the Design Review Committee.

1.1 Variance Process

VARIANCE: A finding by the P.O.A Board of Directors that, although a proposed development is not in strict compliance with covenants, to deny the development would result in "undue

hardship" as defined by law. No relief from compliance with all applicable CB South covenants shall be granted except upon findings that:

- The failure to implement the covenant(s) is of insignificant proportions;
- The failure to implement the covenant(s) will not result in substantial detriment to the public good or substantially impair the intent and purposes of the covenant(s); and
- There are exceptional circumstances applicable to the specific development, which do not apply generally to other properties in the neighborhood.

In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives the rules and regulation of Crested Butte South, variances from the covenants may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a covenant shall not be a reason for granting a variance.

In no instance shall a variance request be considered in cases where the exterior improvement or modification has already commenced, without prior written approval from the P.O.A.

APPLICATION: The application for a variance shall be made on a form provided by the Association Manager, and shall accompany the application for the project, and shall contain the following information and materials:

- A fee as set forth in the fee schedule;
- A statement concerning the applicant's reasons for requesting the variance and how these relate to the criteria established in the subsection to this section; and
- All maps, drawings and materials required by the Manager to make a decision (3 sets).

CRITERIA FOR APPROVAL: Before the P.O.A. Board of Directors can grant a variance in an application, the applicant must prove physical hardship, and P.O.A. Board must find all of the following:

- There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses;
- That such special circumstances were not created by the applicant;
- That the granting of the variance will be in general harmony with the purposes of the CB South Rules and Regulations, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general; and
- The variance applied for does not depart from the provisions of the CB South Rules and Regulations any more than is required.

1.2 Authority of Design Review Committee (DRC)

No Residence, Unit, Garage, Building, wall, fence or other improvement shall be commenced, constructed, erected or maintained upon any Lot, nor shall any landscaping be commenced, nor shall any exterior addition, change or alteration be made, until the plans and specifications have been submitted to and approved in writing by the DRC in the manner set forth in these guidelines.

Improvement shall mean all buildings, structures, parking areas, loading areas, fences, walls, hedges, plantings, poles, driveways, ponds, lakes, recreational facilities, signs, enclosures, changes in exterior color or shape, excavation, and all other site work including without limitation, grading, road construction, utility improvements, removal of trees or plantings, and any new exterior construction or exterior improvement constructed or completed on the Property.

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DESIGN GUIDELINES

These Guidelines are supplemental to the Crested Butte South Special Area Regulations. If a conflict is identified to exist between these Guidelines and the Special Area Regulations, the Special Area Regulation shall prevail.

2. Site Development

2.1 Lots

Every structure built within Crested Butte South Subdivision shall be built within the designated setbacks on each Lot. A “Structure” shall be defined as anything to be constructed or formed, including, but not limited to, fences, buildings, berms, driveways, walkways, decks, stairs, foundations, gazebos, slabs, or footers of any kind.

In the event that two or more Lots are combined, the Lots may be clustered with approval by the DRC.

Encroachments outside of the Building site shall be permitted for roof overhangs of not more than two (2) feet.

The P.O.A. hereby finds that it is in the public interest for all sites within the community to be designed, arranged, and developed in a safe, efficient, and aesthetically pleasing manner. The arrangement of all functions, uses, and improvements should reflect the natural capabilities and limitations of the site, as well as the characteristics and limitations of the adjacent property. The various structures, use areas, functions, and elements of the site design should be integrated by design into a unified whole, except in those instances where separation is appropriate due to a particular interrelationship. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both the interior and exterior of the project.

Building designs should step buildings with the slope to minimize disturbance, grading and tree cutting for access and drainage. Site improvements should be designed to minimize cut and fill areas, particularly those areas most visible from off site. Grading large areas to create a flat "benched" building pad is strongly discouraged. It should be the goal of every project within CB South to design driveways and circulation systems that work with the existing topography. It is strongly encouraged that applicants design site configurations that result in comparatively less cut and fill needs for on site vehicular circulation and building placement.

Providing terraced retaining wall systems with landscape areas are encouraged instead of cut/fill areas for slope retention. Retaining walls made of natural materials such as rock, rock-faced concrete or timbers are preferred. To maintain a human scale, retaining wall of six feet (6') or less are required. Longer spans of retaining walls may not be appropriate in all instances.

2.2 Residences

- A. Single Family.** Designates the main residence, which shall include a garage or storage building.
- B. Multi-Family.** Designates multiple residential units within a common structure, each unit shall include a garage or storage building.

2.3 Garage/Storage Buildings

There must be at least one single-car garage or shed/storage building (a.k.a. out-building) per new residential unit constructed in CB South. These out-buildings may be attached to or detached from the primary residential structure. In no instance can there be more than one out-building per property in CB, regardless of the number of dwelling units present or proposed on the property. If there are multiple residential units on one property, the out-buildings must be attached to each other (so they appear as a single building), or to the primary structure. Garages and Storage buildings must be constructed with the same construction materials as the primary residential unit(s) on the property.

A. General Construction Criteria.

1. Do not assume that the copying of an existing out-building's style/color/size/location currently found in CB South can be duplicated.
2. In no instance shall a shed or non-garage out-building be placed/built in the front/street-side yard.
3. All out-buildings count against the open space requirements for all property in CB South (at least 60% of the property must remain open space.)
4. Setbacks (from all property lines) for out-buildings in CB South are:
 - a. Front and Rear Yards: a minimum of 25-feet to the nearest exterior wall
 - b. Side Yard: a minimum of 15-feet to the nearest exterior wall
5. All out-buildings must be oriented the same as the residential structure.
6. All exterior colors of the out-building must be the same (match exactly) as those found on the residential structure, without exception.
7. Only if present on the primary structure, exterior metal siding on out-buildings may not exceed 20% of each of the elevations total siding material.
8. Roofing color and material must match that of the approved residential structure exactly, without exception.
9. If fascia is to be used, it must match the size, material, and color of that found on the residential structure, without exception. However, exposed roof trusses on out-buildings are acceptable.
10. Roof pitches and form for out-buildings must match that of the primary roof form on the residential structure; in no instance shall they be less than 6:12.
11. Out-buildings proposed for more than 120 gross square feet will require a Gunnison County Building Permit, and all the necessary requirements for such must be submitted to the P.O.A. with the P.O.A. application, prior to P.O.A. review and possible approval.
12. The maximum wall height for a shed is 10-feet tall (as measured to the top plate)

13. Air-gaps from a shed's exterior siding to the finished grade are strongly discouraged
14. All proposed primary storage areas in out-buildings must be accessible from ground level.

B. Single Family Out-Buildings.

1. The minimum size for a garage must be 10' x 20' feet, as measured from the exterior of the walls.
2. The minimum size for a shed on a property that does not have a garage must be at least 100 Gross Square feet.
3. If the property already has a garage, the minimum shed size must be at least 40 Gross Square feet.

C. Duplex or Multi-Family Out-Buildings.

1. The minimum size for a garage must be 10' x 20' feet, as measured from the exterior of the walls.
2. The minimum size for a shed on a property that does not have a garage must be at least 100 Gross Square feet.
3. If the out-buildings are not connected to the primary structure, they must be connected to each other, so that they appear to be one structure.

2.4 Grading

Grading improvements shall blend into the natural topography. A smooth transition should be created where cut and fill slopes connect to the existing topography. Cut and fill should be feathered into the topography within the property boundary. Cut and fill banks are to be designed and revegetated to avoid erosion and drainage on to the adjacent property.

No cut and fill slope shall exceed a 3:1 slope (i.e. a 33% grade, 3 feet of run for each foot of rise or fall in elevation), without the use of a retaining wall (see Section 2.6 below for further details). In no instance shall grading occur across property lines.

2.5 Height Restrictions

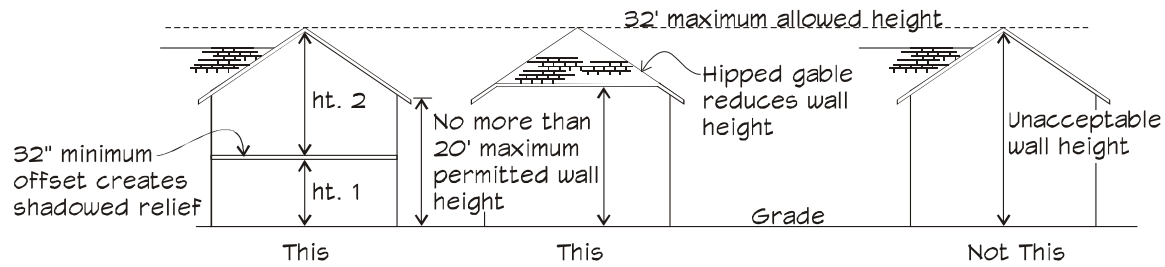
All residential structures shall meet the following height limits:

Flat Roofs

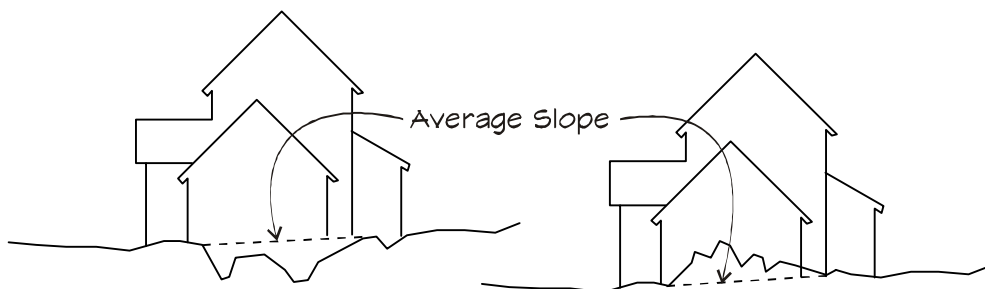
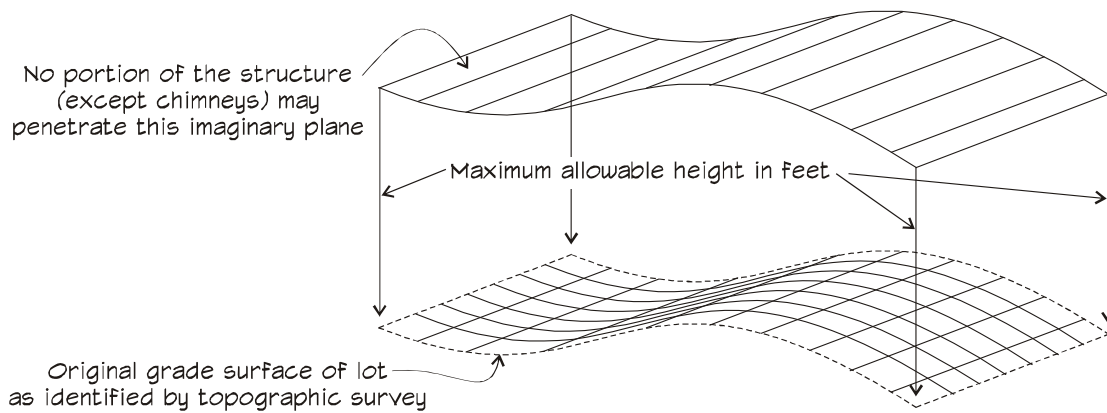
Residential structures with flat roof shall not exceed 20 feet in height.

Pitched Roofs

All structures with pitched roofs shall not exceed 32 feet in height from average grade. Average height is determined from average existing grade prior to construction. Any lot with a grade change difference of 3 feet shall be required to provide a certified contour map to the DRC. Lots with less than a 3 foot grade change shall be required to provide a survey that includes, at a minimum, a benchmark elevation for the property as well as the existing elevation where the proposed driveway will tie into the existing road surface.



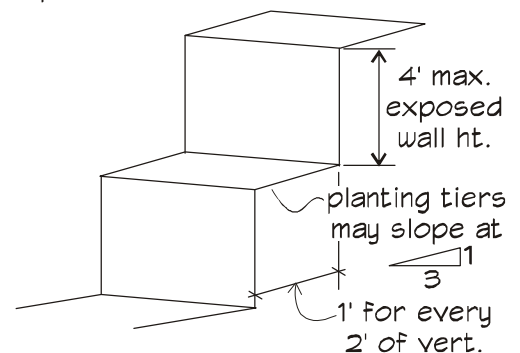
Building heights are encouraged to be architecturally compatible with the existing buildings in the neighborhood. are encouraged to be architecturally compatible with the existing buildings in the neighborhood. Therefore, no single elevation shall be permitted to exceed 34 feet in a vertical dimension, as measured from finished grade to the nearest ridge line, along said exterior wall. In no instance shall finished grade exceed a 3:1 slope (i.e. a 33% grade, 3 feet of run for each foot of rise or fall in elevation).



In the case of non-natural or highly irregular topography due to man-made impacts within the existing site development area, an average slope may be used.

2.6 Retaining and Non-Retaining Walls

Retaining walls should be designed as an extension of the Building or relate to the building form. No cut and fill slope shall exceed a 3:1 slope, without the use of a retaining wall. Retaining walls in excess of four (4) feet in height must be designed by a registered engineer from the State of Colorado. All proposed retaining walls in excess of 4 feet



shall be stepped with a minimum of 1 foot for every 2 vertical feet of retaining wall proposed. No retaining walls over 6 feet in height shall be permitted for any site improvement.

Permanently (concrete) connected retaining walls must be within the required set backs.

2.7 Construction Management

The Owner shall make provisions to protect the areas of the Lots outside of the immediate construction area, including adjacent lots. This includes preventing damage to existing native grass areas and topography created by earthwork and stacking materials. This may also include construction fencing as the Review Committee deems appropriate.

The owner shall be responsible for the cost and repair for the damage to the Lots and the adjacent Lots.

During all construction activity within CB South (unless exception is granted in writing), all building projects shall be required to provide a properly sized dumpster for the project as well as a port-o-let; both shall be stored at all times within the property lines.

Because of safety and welfare concerns for the residents of Crested Butte South, it is required of all projects proposing to utilize a modular, factory-built, pre-fabricated, or panel-type construction structures to provide a staging/delivery plan with their submittal package. In no instance shall the delivery, staging, craning, or storage of these building components be allowed in any Crested Butte South Public R.O.W. This plan shall at a minimum include the following items:

- Areas where the “modules” or “panels” will be delivered to the site.
- Location of the crane or any other equipment and/or machinery required to place these building components.
- All disturbed areas associated with the staging of these building components must be restored/re-vegetated prior to the consideration of the performance deposit refund.
- Any other items as deemed necessary by the P.O.A.

Note: Violations will result in the complete forfeiture of the entirety of the Performance Deposit.

All surface areas designed on the approved landscaping plan that will not be a hard surface shall be planted with adequate ground cover as approved by the P.O.A. and shall be top-dressed with a minimum of two inches (2") of top soil prior to planting. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided.

2.8 Drainage

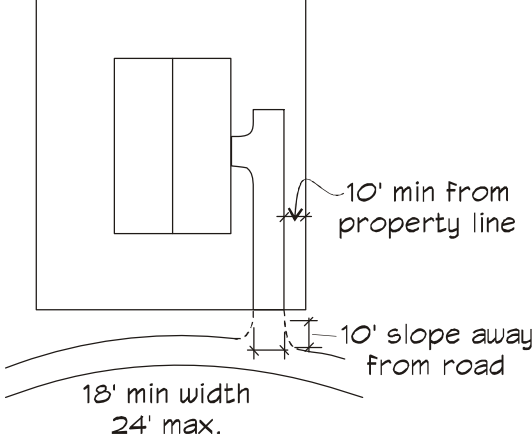
Drainage patterns within the Lot may be modified to improve flow away from structures. Drainages should be directed towards existing natural drainages or drainage ways, but shall not drain on to another owners' property.

Site designs that propose snow storage areas that may end up on an adjacent property shall not be permitted.

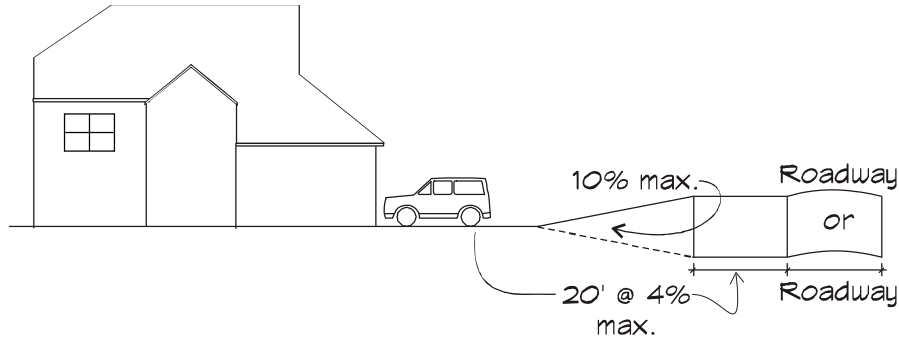
2.9 Utilities

All utilities, including propane tanks, in Crested Butte South Subdivision shall be installed underground. Connections from trunk lines to individual structures must also be underground. Sewage disposal systems must be installed as provided by the Amended and Restated Covenants and Restrictions.

2.10 Driveways

- A. All driveways shall have a minimum width of 18 feet where at the edge of the driveway, where it ties into the Public R.O.W. All driveways shall be constructed with a minimum of 6 inches of class 6 aggregate base course. The maximum grade for driveways shall be 10%, no exceptions shall be granted to this maximum allowable driveway slope. The grade of the entrance and exit shall slope downwards and away from the road surface at the same rate as the normal cross slope and for a distance equal to the width of the shoulder, but in no case less than 10 feet from the R.O.W.
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- The diagram illustrates a driveway cross-section. A rectangular structure is shown on the left. To its right, a driveway leads to a road. A dimension line indicates a '10' min from property line' between the structure and the driveway edge. Another dimension line shows a '10' slope away from road' for the driveway's exit. Below the road, a dimension line specifies '18' min width' and '24' max.' for the driveway's width at the road edge.
- B. All driveway and approaches shall be constructed so that they shall not interfere with the drainage system of the roadway. The applicant will be required to pay for and install, at their own expense, drainage structures at entrances and exits which will become an integral part of the existing drainage system. The minimum size of the culvert installed parallel to the road will be 12" diameter.
- C. The horizontal axis of an approach to the roadway shall normally be at a right angle to the centerline of the roadway and extend a minimum of 40 feet beyond the travel way. An angle of 90 to 60 degrees shall be permitted if it can be shown that physical constraints exist that require a new approach angle of less than 90 degrees. Angles less than 60 degrees are not permitted.
- D. No more than one residential approach shall be allowed on a parcel of property where there is less than one hundred (100) feet of property frontage.
- E. In the case of flared driveways, the flared portion adjacent to the traveled way shall not encroach within five (5) feet of the adjoining property.
- F. Access gates are not permitted in Crested Butte South.

- G. Intersecting public and private roads/driveways shall be located opposite each other where possible or be offset by a minimum of one hundred twenty five (125) feet.
- H. Driveways and parking surfaces shall have an all weather driving surface.



Acceptable material include: asphalt, concrete, unit pavers, road base, gravel or cobbles. Variations must be approved by both the DRC and the Crested Butte Fire Protection District.

- I. Driveways shall have a minimum surface width of 18 feet at the edge of the pavement or road surface (maximum of 24 feet) and can taper to 16 feet in surface width at a distance of 6 feet from the edge of the road and maintain this surface width the remaining portion of the driveway.
- J. Driveways at the End of the Road – Driveways 150 feet or longer in length that end at a private residence, a business or structure larger than 600 square feet, shall have a cul-de-sac loop design or a “Y” or “T” turn around adequate to accommodate emergency service vehicles. “T” turn arounds shall be a minimum of two (2) feet from any flammable structure. All turn around areas shall be kept free and clear, and shall have sufficient area for snow storage outside of the road prism, and shall be plowed by the owner in the winter.
- K. Residential driveway designs that allow back out onto a public road shall not be allowed.
- L. All parking areas and driveways shall be a minimum of ten (10) feet from all property lines.
- M. Notwithstanding these regulations, driveways shall be constructed to meet all Gunnison County Standards and Specifications from the edge of the County Road, or public road, or private road under the county jurisdiction, to the building footprint.
- N. All driveways shall require a flat area, not to exceed a 4% grade, for the first 20 feet from the intersection with the edge of the road, as well as in the last 20 feet before the garage slab. There shall be no exceptions to these requirements.
- O. No parking along roads within CB South is permitted.

- P. No cut and fill slope for a proposed driveway access shall exceed a 3:1 slope (i.e. a 33% grade, 3 feet of run for each foot of rise or fall in elevation), without the use of a retaining wall. Retaining walls in excess of four (4) feet in height must be designed by a registered engineer from the State of Colorado. All proposed retaining walls in excess of 4 feet shall be stepped with a minimum of 1 foot for every 2 vertical feet of retaining wall proposed. No retaining walls over 6 feet in height shall be permitted for any site improvement.

- Q. Snowmelt systems may be permitted if an applicant chooses to do so, as long as the system is maintained and protected by a covenant recorded with Gunnison County, in perpetuity with the property, and that the applicant can provide engineering specifications that at least 25% of the system's energy will be provided through renewable resources.

2.11 Parking

A minimum of two off-street parking spaces or one per bedroom, whichever is greater per residence is required. More spaces may be required by the DRC for larger residences. All off-street parking spaces shall be a minimum of 9 feet wide by 18 feet in length and must be accessible without shuffling vehicles.

Parking requirements for accessory apartments shall be a minimum of one additional parking space above that required for the single-family unit, or an additional parking space for each bedroom in the accessory apartment, whichever is greater.

2.12 Signs

All signs must have written approval of the DRC, excluding temporary construction signs of no more than 6 square feet advertising the construction, remodeling or rebuilding of a certain structure or real estate sign, no more than six square feet advertising the sale, rental, or lease of a designated structure or land area. No sign shall be illuminated and shall be removed immediately after the property is sold, rented, or leased or construction completed.

2.13 Exterior Lighting

Outdoor lighting shall meet the standards set forth in Section 5-414 of the Gunnison County Land Use Resolution, as amended from time to time. In addition, outdoor lighting shall not be allowed to remain on all night and must be aimed downward.

2.14 Open Space Required

- A. Sixty percent (60%) of the Lot area shall be open, unencumbered and free of any building, structure, excluding fences.

- B. Open Space for all residential areas: It is required that all residential developments retain at least 60% of their land area in natural or improved open space, exclusive of roadways, parking lots, sidewalks, decks, or small landscaping strips. Where possible, open space shall be placed adjacent to rights of way and other public areas.

- C. **OPEN SPACE:** An exterior space located within the physical boundaries of a project or property which: a) is usable for recreational purposes, b) provides for natural or manmade landscaping areas, or c) provides for the protection of natural resources such as stream channels, drainage ditches, and steep slopes, etc.
- D. Areas that qualify as open space are:
1. Landscaping areas, strips, planters, etc., with a minimum dimension in all directions of five feet (5'), and with a minimum overall size of fifty (50) square feet.
 2. Natural areas, excluding existing stream channels and drainage ditches.
- E. Areas that do not qualify as open space include, but are not limited to:
1. Parking and circulation areas.
 2. Sidewalks and other pedestrian circulation areas.
 3. Any areas covered with a structure (including eaves)
 4. Stairways.
 5. Any areas that do not meet the minimum dimensions listed above
 6. Any hard surface area.

2.15 Service Areas

Service areas, garbage cans and trash storage areas should be screened from adjacent properties, streets, and other public areas by fences, planting or other suitable means.

2.16 Accessory Buildings

Detached accessory dwelling units shall be allowed in all residential areas, subject to the following:

- A. Accessory Buildings with dwelling units do not have to be connected to the single-family residence.
- B. Accessory Apartment: A residential unit located on the same parcel of land as single-family unit, which is secondary in size and use to the single-family unit and meets the following criteria:
1. The total dwelling area of the unit is no greater in size than one-third (1/3) of the total dwelling area of the single-family unit.
 2. The total dwelling area of the unit is no greater in size than one thousand (1,000) square feet.
 3. Legal title to the accessory apartment and the single-family unit is held in the same name, in perpetuity.

- C. Units that meet all of the criteria will be classified as a portion of the single-family unit, while those that do not meet all of the criteria shall be classified as a duplex. Additional architectural review fees may apply.
- D. Parking requirements for accessory apartments shall be a minimum of one additional parking space above that required for the single-family unit, or an additional parking space for each bedroom in the accessory apartment, whichever is greater.
- E. Architecture for the accessory apartment shall be similar in color and material as the single-family unit. Accessory apartments shall provide a minimum of one enclosed garage space or a separately accessible shed, per the Design Guidelines and Covenants. This shed may be attached or integrated into the accessory structure, and must be a minimum of 100 gross square feet.
- F. All other covenants and design guidelines shall apply.

2.17 Addition of Living Quarters

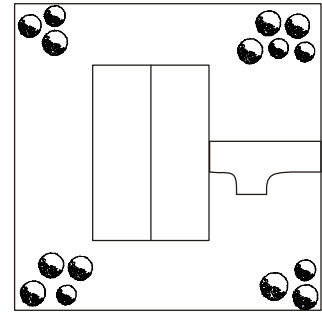
In the event an owner desires to add living quarters to a Single Family Residence such owner must make application to the DRC for review.

LANDSCAPE ARCHITECTURE

3. Landscape Architecture

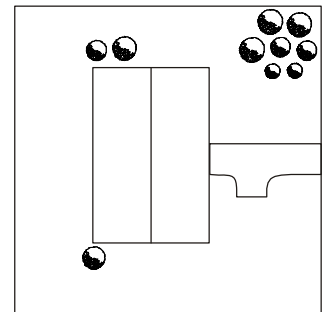
3.1 Placement of New Plantings

A. The placement of new planting must be done so to improve the general appearance of the community and enhancing its aesthetic appeal; preserve the economic base; improve the quality of life; delineate and separate use areas; increase the safety, efficiency, and aesthetics of use areas and open space; screen and enhance privacy; mitigate the adverse effects of climate, aspect, and elevations; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving air and water quality. New trees and landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property.



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B. These guidelines, which establish a point system for landscaping, shall apply to all new construction and to the erection or placement of an additional structure upon a lot.



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C. A landscape plan must be submitted. It shall be drawn to scale and provide as a minimum the following: (a) the location of all existing trees that have trunks with a diameter of 3 inches or more measured at a height of 3 feet above natural grade, (b) an indication of those trees proposed to be removed, (c) the location of the proposed plant materials, (d) a list and identification of such plant materials, including the height of all proposed trees, and (e) the location, extent and design of any additional landscape elements, including patios, decks, fences, walls, berms, hard surface areas and proposed permanent planters.

D. The DRC encourages Xeriscaping in the designing of a landscape plan, using native plants and water that nature provides. And it is encouraged that the landscaping materials utilized are those species that are appropriate for the high alpine altitude climate found in the Crested Butte Area.

The DRC further encourages the applicant to do everything it can to conserve water in the upkeep of the landscape vegetation, trees, shrubs, etc. Five fundamentals are suggested to be considered:

1. Design of the landscape project. This includes identifying micro-climates – areas surrounding the structure(s) which have different temperatures and sun exposure

- due to orientation, traffic patterns, drip lines from a roof, minimizing turf areas and organizing plants by their water requirements;
2. Soil improvements, including use of organic materials;
 3. Use of mulch, such as wood chips and weed barrier fabrics;
 4. Proper irrigation practices and efficiency of automated and non-automated water systems;
 5. Maintenance using organic materials to nurture the soil.
- E. All disturbed ground surfaces shall be re-vegetated regardless of point allowance considerations. Additionally, all plantings shall be maintained in a healthy and attractive condition. Maintenance shall include, but not be limited to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating. Whenever plants are removed or die, they shall be replaced by planting materials as soon as possible that meet the original intent of the approved landscaping design.
- F. It is encouraged that remodeling and structure additions include provisions for additional landscaping. The DRC will evaluate the existing landscaping relative to current standards and determine the landscaping requirements for any proposed remodeling or addition.
- G. As a minimum requirement for all new construction of a residence, the applicant must provide landscaping or remaining natural growth after construction equaling a minimum of 1,500 points for a single-family residence or 1,500 points per unit for a multi-family structure. A minimum of 50% of the total required points must be allocated for trees under Section 3.7(a) and the other 50% must come from at least three other categories under Sections 3.7(b) to 3.7(f). A minimum of 20% of the total new landscaping points must come from the Evergreen tree Category (see below). And in order to receive points in the Deciduous tree category (see below), the proposed Deciduous trees shall only receive “tree points” if they are 2” caliper trees or larger (as measured 3-feet from the ground or root ball), otherwise they shall be counted in the shrub category.

Installation, use and maintenance of irrigation systems to insure survival of landscaping in the long-term is strongly encouraged. And again, it is encouraged that the landscaping materials utilized are those species that are appropriate for the high alpine altitude climate found in the Crested Butte Area.

1. Trees:

Deciduous	5 points per foot
Evergreen	15 points per foot

Deciduous trees shall be 7 feet minimum in height while
Evergreen trees shall be 4 feet minimum height.

2. Shrubs:

Deciduous	30 points per shrub
Evergreen	40 points per shrub

 3. Dry Landscaping:

Bark Chips	1 point per 10 sq. ft.
Crushed Rock	1 point per 10 sq. ft.
Boulders	50 points per boulder (minimum 3-foot diameter)

 4. Planted Surface:

Irrigated sod or seeded lawn	1 point per 20 sq. ft.
Irrigated flowers in beds	1 point per sq. ft.
Ground covers	1 point per 10 sq. ft.
Non-irrigated seeded area (wild grasses and Wild flowers)	1 point per 10 sq. ft.

 5. Hard Surface (such term does not mean driveways):

Pavers	40 points per 50 sq. ft.
Concrete	40 points per 50 sq. ft.

 6. Planters/Benches:

Permanent non-moveable planters	5 points per sq. ft.
Permanent non-removable benches	15 points per bench

 7. Existing Trees:

Trees – deciduous (minimum of 7 feet height)	5 points per foot
Trees – evergreen (minimum of 4 feet height)	15 points per foot

Points for such existing trees shall accumulate up to a maximum of 750 points.
- H. All surface areas designed on the approved landscaping plan that will not be a hard surface shall be planted with adequate ground cover as approved by the P.O.A. and shall be top-dressed with a minimum of two inches (2") of top soil prior to planting. In addition, irrigation systems shall be provided in those instances they are where required to guarantee the proper growth of the landscaping being provided.

Any ground which is disturbed by any construction activity shall as a minimum be re-contoured to a natural form, and shall be top-dressed with a minimum of two inches (2") of top soil, seeded with native grasses and/or wild flowers, properly watered and cared for until the seed has matured. Irrigated lawns should be kept to a minimum to promote water conservation. Landscaped areas shall be installed and maintained in compliance with the landscaping plan and in conjunction with the construction of the residence. Failure to install and maintain the landscaped area in compliance with the landscape plan shall result in the property being noncompliant with these guidelines and the Plan of the applicant, which was approved by the DRC.

Revegetation measures, including but not limited to, seeding, netting, mulching, and irrigation for disturbed areas and cut/fill slopes are strongly encouraged. Cut and fill slopes shall not exceed a 3:1 gradient (i.e. a 33% grade, 3 feet of run for each foot of rise or fall in elevation).

It is encouraged that the landscaping materials utilized are those species that need little additional water to survive, or that the applicants provide for an irrigation system that is based on the conservation of water.

It is encouraged that curb stop devices be utilized for parking areas adjacent to landscaping in those instances where the devices will not interfere with propose snow plowing operations.

It is encouraged that all planting materials proposed for areas also designated as snow stacking areas be of a size or type that will not be adversely affected by the proposed snow storage.

No new trees shall be planted or placed within utility easements or public rights of way.

No new landscaping material shall be added to areas that have been designated/approved for snow storage in such a manner that new landscaping will impair these areas from being able to adequately store snow.

3.2 Amendment to Landscape Plan

An owner may apply to amend the Landscape Plan by filing such Amended Plan with the Association's Project Manager. The Project Manager shall have authority to approve or disapprove such Amended Plan in whole or in part. Any Amended Plan must be signed and dated by the owner and the Project Manager. Any Amended Plan shall not extend or change any dates required for completion.

3.3 Landscaping Completion Schedule

Landscaping on a lot or lots where a new residence was constructed or where an addition or remodeling was done must be completed within two (2) years from the date of the DRC's approval of the Building and Landscape Plan. For a project to be considered "complete" it requires that all plants and seeding of grasses and wild flowers must have sprouted with more green than brown.

- A. The DRC, in its sole discretion, may grant one extension to complete the Landscape Plan not to exceed one (1) year, provided the applicant makes a written request within the two (2) year period and the applicant can show by convincing evidence that:
- B. Significant progress has been made in the implementation of the Landscape Plan, and
- C. Undue hardship is also shown.

- D. In the event that a timely extension request is not filed with the DRC, completion shall be determined under Section 3.3.
- E. In the event that the DRC shall deny an extension request, completion shall be determined under Section 3.3.
- F. In the event that an extension is granted by the DRC, completion shall be determined under Section 3.3 with the date of the extension being substituted for the two (2) year period in Section 3.3.

3.4 Notice

If an owner fails to complete the landscaping plan for a project within the time frame set forth in Section 3.3 the DRC shall give such owner written notice of the deficiencies.

- A. The owner will have ten (10) days to respond in writing to such notice. Such response must set forth in sufficient detail the reasons for such deficiencies.
- B. The DRC, in its sole discretion, may either consider such written response without a hearing with the owner or provide a hearing for the owner to appear before it. The Committee, in its sole discretion, may refer the matter to the Association's Project Manager for recommendation(s).
- C. The DRC may set such penalties as it may choose including permanent retention of the building escrow and/or such penalties and fines as are set forth in its resolution dated May 14, 2003 and recorded with Gunnison County, Colorado on June 23, 2003 (File #531851) entitled "Rules and Regulations regarding fines instituted for violations of the Covenants and Restrictions of Crested Butte South, Bylaws and Rules and Regulations of the Crested Butte South Property Owners Association Inc."

3.5 Removal of Landscaping

No tree with a diameter of two (2) inches or more measured four feet above the ground, nor any shrub of three feet in height, shall, without approval of the DRC, be cut down, destroyed, moved or disfigured, and all existing trees and shrubs shall be protected during construction and preserved by proper wells and grading, as approved by the DRC.

ARCHITECTURE

4. Architecture

4.1 Objective

The CB South P.O.A. hereby finds that excessive similarity, dissimilarity, or poor quality design of any building adversely affects the desirability of the immediate area and the community as a whole, and by so doing impairs the benefits of existing property owners, the stability and value of real property, produces degeneration of property with attendant deterioration of conditions affecting health, safety, and general welfare of the community, and destroys a proper relationship between the taxable value of real property and the cost of services provided therefore. Features of design include, but are not limited to: size, shape, scale, proportions, solid to void ratios, texture, pattern and color of materials, and architectural elements and details.

All proposed new developments, alterations, or additions are strongly encouraged to be architecturally compatible with the general design criteria specified in these design guidelines. It is strongly encouraged that cut and fill slopes be kept to a minimum, and that the site, when viewed from adjacent properties, be integrated into its natural surroundings as much as possible. In addition, excessive similarity or dissimilarity to other structures existing, or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting streets within the same or adjacent area is discouraged.

A. Image:

The image in the Crested Butte South Subdivision will reflect traditional mountain architecture. Buildings are to be distinctive and have individual character with continuity in materials, roof form and color to collectively appear as a cohesive residential neighborhood.

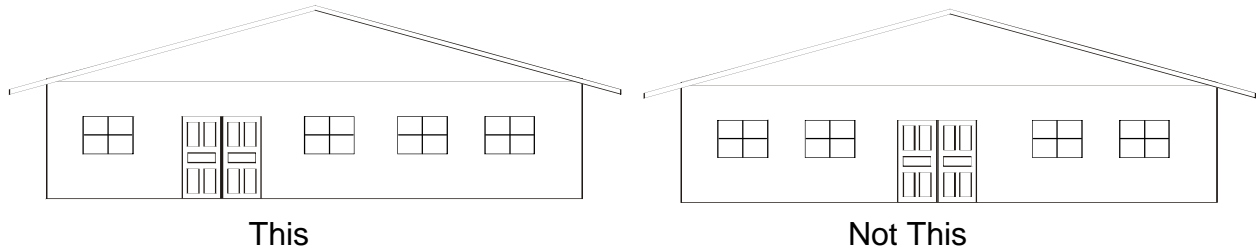
In keeping with our goal of reducing mass in CB South, we have established a maximum building height of 30 feet on all residential lots. It is our objective that this limitation on height, applied in concert with our other massing reducing directives, will engender lower profiled residential structures of a more pedestrian scale, which is highly desirable. The goal is to prevent the construction of structures which are too tall, and which thereby would be visually overpowering to its human residents and their guests, and passersby as well. Secondly, we expect that each residence will settle into the site and neighborhood environs, without standing out among its neighbors, calling attention to itself. Our goal is a well-integrated community of homes, without architectural monument.

B. Building Mass, Scale, and Symmetry:

Building mass may be further mitigated by creative treatment of its exterior details and accessory elements. Roofed porches or decks, and indented entry elements can add scale and texture to a residence while providing usable outdoor spaces or shelter from winter's elements. Bay windows provide attractive variations to wall planes, while

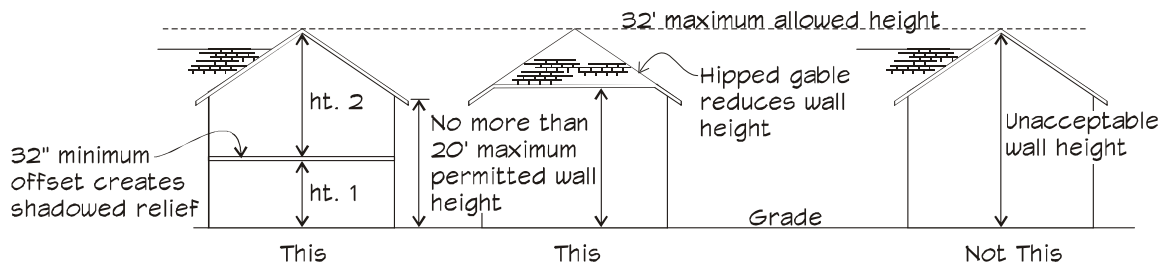
dormers tend to lend added scale to unbroken expanses of roof. Offsets or indentations in wall planes create visual interest and depth and shadow to a structure.

For centuries symmetry in architecture has been employed to convey formality; but Colorado high country is not a formal setting. To the contrary, this lovely place offers us a comfortable informality reflective of traditional mountain living. Residential design for CB South must be well-crafted with thoughtful attention to proportions and scale, but they should also reflect that natural informality which exists in the environment around us.



Therefore, we discourage the use of symmetrical massing on homes designed for CB South. While symmetry might be appropriate for a distinct component of design, such as the gable end of a building element, the balance of massing around that symmetrical element should remain varied and organic in form.

In addition to the implementation of an appropriate scale and proportion for each home design as a whole, the individual elements which make up the whole should maintain that sense of proper proportion as well. For instance, an overly large window in a comparatively small element of the structure may create a glaring mismatch of scale. A four-by-four post which is structurally adequate, may appear too spindly in context of the overall mass of the residence, and may thereby warrant a dimensional increase to six-by-six or even eight-by-eight for aesthetic appeal alone. The harsher climate conditions of Colorado high country can test the durability of a home as well. Therefore, structural members, railing, fascias, and trim should project a sturdy image; delicate intricately detailed designs are impractical and inappropriate for CB South.



The maximum unbroken vertical height of any exterior wall may not exceed 20 feet. A horizontal offset in a wall plane by a depth of 32 inches or more, effectively “breaks” that vertical expanse into two distinct wall surfaces for the purposes of height consideration.

In addition, single story walls (defined as an eave wall with a maximum nominal plate height of ten feet or less), may not exceed an unbroken length of 32 feet without a perpendicular horizontal offset of 32 inches or greater, or without a bend of 30 degrees or greater in wall plane. Two story gable walls may not exceed an unbroken length of 24 feet without a perpendicular offset of 32 inches or greater, or without a bend of 30 degrees or greater in the wall plane.

C. Building Materials:

No plywood, paneling, artificial rock paneling or plastic siding will be allowed on any exterior walls or chimneys. Metal siding shall be permitted as long as it does not exceed 20% of the total amount of exterior siding and is contingent upon the approval of the DRC. The DRC shall decide whether or not the metal siding is being appropriate and proportionate, and note so in their approval.

In an attempt to enhance and promote a traditional mountain architectural design theme within the subdivision, to improve excessive “sold-to-void” ratios, to help to provide visual relief on exterior elevations and facades, and to break up the “mass” of each elevation, all windows and doors shall be treated with wood or natural wood-looking trim boards, at a minimum dimension of 1” x 4” throughout the project. Additionally, wood or natural wood-looking corner boards are strongly encouraged, at a minimum dimension of 1” x 4” on all residential projects. In architectural applications proposing stucco as the primary exterior siding material, the trim requirement shall be the same as mentioned above or the stucco shall be recessed/rolled into windows and door openings, with a minimum 2 ½” radius, and/or a wood lintel and sill boards.

Wood shall be painted or treated with stain or preservative oil to maintain natural characteristics of the material.

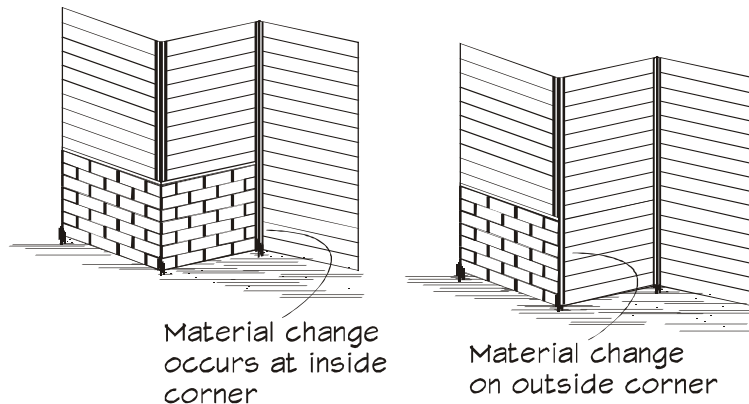
Inappropriate exterior building materials include, but are not limited to, untextured exposed concrete, untextured or unfinished unit masonry, highly reflective glass, reflective metal roofing, plywood siding, and unpainted aluminum window frames.

We encourage the use of stone for foundation facing, wainscots, and on selected vertical elements such as chimneys, porch columns and railing piers. Historically, mountain structures have been founded on strong stone bases which anchor them to their sites. A stone foundation (or today’s more common visual equivalent, the stone-veneered foundation), projects an image of substance – a heavier more massive base to withstand elements and the accumulation of snow. Metal wainscoting will be permitted as an alternative.

If a residential design proposes wood or wood-looking products as the sole wall cladding material, there should be some variation in pattern and/or color and texture to provide interest and relief. For example, board widths may be varied in a creative fashion, or a traditional board siding may be used in tasteful combination with wood shingled accents, or vice versa. However, do not get too carried away with the mix-

and-match of materials; compositions which are visually “too busy” will not be approved. Board siding may not be utilized in diagonal patterns. Also, the scale of a siding’s components should be proportionately appropriate for the expanse of wall which they cover; four inch wide boards may be fine for smaller building elements such as dormers, while larger wall expanses may warrant boards of greater dimension.

All exterior wall material must be utilized in a three-dimensional context – movie set appliquéés, where a material appears in two dimensions on a single elevation, are prohibited. For example, a wainscot of stone on a front elevation must wrap around onto the side elevation until it intersects an inside corner; material and color changes should not occur on an outside corner.



Large uninterrupted expanse of glass should be avoided. The single exception shall be in the primary “view wall” or a great room or a family room. The Review Committee may grant some additional relief from that limitation if the glass expanses are deeply recessed into the mass of the home, or if they are set back sufficiently beneath deep overhangs so that the glass expanses recede in prominence and visibility. When larger window glass is utilized, it should be set in larger profiled frames or mullions, which suggest strength and substance.

D. Entrances:

Door openings should be protected from wind and overhanging or drifting snow.

E. Garage Doors:

Garage doors must be wood or metal and may be covered with vinyl cladding. White-colored garage doors are prohibited.

Wood and metal doors shall be stained, painted or commercially coated in a color to coordinate with the residence colors. Vinyl clad doors shall be in a color to coordinate with the residence colors.

F. Colors:

Exterior wall colors SHALL be natural warm earth-tone colors. Exterior siding material colors not permitted are: Primary Red, Primary Blue, Primary Green, Primary Yellow, Primary Purple, and Primary Orange, as well as Orange-Red, Red-Purple, White, Blue-Purple, Cyan, Magenta, Violet, Pink, and Orange-Yellow. Primary, bright or dramatic colors may be used as accent on trim, fascia and doors, and then only sparingly, and must be approved by the DRC. All colors must be approved by the DRC, at their sole discretion.

4.2 Roof Shape and Slope

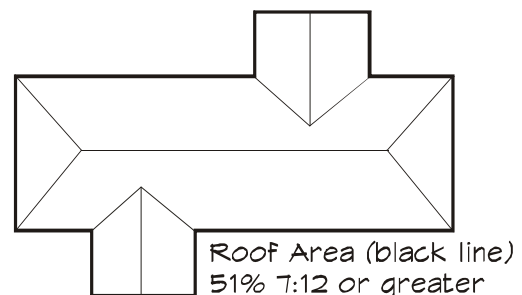
The roof is often times the largest visual element of a structure, and must be addressed accordingly with as much care as any other element of the design. The roofline of each home should form a comfortable interface with the street, with other common areas and with neighboring residential structures. On sloping sites, the roof shapes should convey a corresponding stepping with natural grade. Asymmetrical roof forms are preferable to those that are obviously symmetrical. The overall shape and articulation of each roof should be sufficiently irregular to avoid boxiness or a sense of overpowering massiveness. The roof must not sit like a cap on top of a box; it must be well integrated into the volume of the residence, and should be drawn down to single story edges where possible to “ground” the structure.

The roofs of all two-story structures should include single story elements, as well. For both one and two-story residences, the roof profile should be irregular and varied. Whenever possible, roof slopes should be pitched in directions which avoid shedding of snow or water onto uncovered steps, entry porches, decks or terraces, and the driveway surface immediately in front of garage doors. Building entrances should be inset or protected with roofs.

The exposed nature of the Crested Butte South Subdivision and the extensive elevation changes, which exist between lots, creates a situation where roof structures will be a highly visible and dominant element of the architecture. Roof form is a significant element in creating the image and visual continuity within the neighborhood. Buildings that are too tall can block views, light, air, and solar radiation to other properties; they can also disrupt off site vistas and occasionally penetrate tree canopies that provide screening to maintain a mountain character.

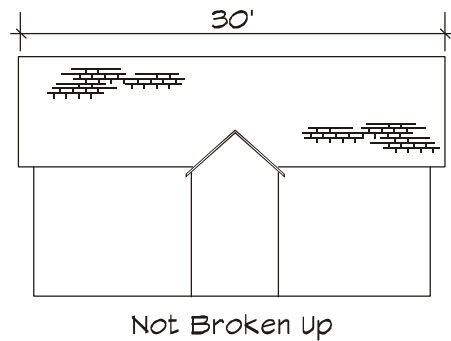
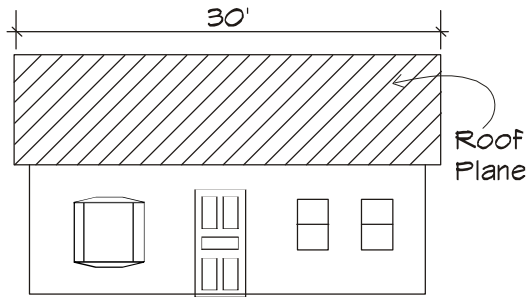
The P.O.A. strongly encourages reducing height impacts with broken, interesting roof forms that step down at edges while maintaining steeply pitched roofs characteristic of traditional mountain architecture.

No single elevation shall be permitted to exceed 32 feet in a vertical dimension, as measured from existing grade to the nearest ridge line, along said exterior wall. To accomplish this, gable, gambrel, shed, barrel vault and hip roofs are to be used on all buildings in the Crested Butte South Subdivision. Additionally, the majority (at least 51%) of the proposed roof’s area, on all residential structures, shall have a minimum pitch of 7:12.



No unbroken roof plane shall be longer than 30 feet, including roof overhangs. A minimum of one foot overhang is required; however, a more pronounced eave is strongly encouraged.

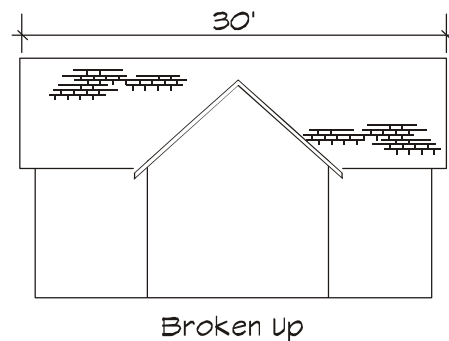
All Buildings within a Lot shall have similar roof material, color and style.



4.3 Roof Material

Roof materials are to be fire resistant wood shingles or inorganic shingles, i.e., slate, concrete or formed composite that are similar in size, texture and thickness with wood shake shingles, or manufactured metal roofs. Rolled membrane roofing shall not be permitted.

Roof materials must be nonreflective (a.k.a. not shiny) and blend into the site's backdrop as much as possible.

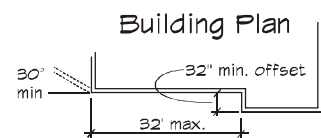


4.4 Roof Appurtenances

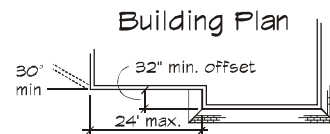
Accessory roofs are encouraged, such as dormers and covered entryways and not be less than a 2:12 pitch. Accessory roofs shall not exceed 50% of the roof area.

Skylights must be flush against the roof not to exceed 4 inches above the roof's surface.

Solar Collectors, if used, are preferred to be integrated into the existing or proposed building(s). In situations where integration is not feasible, stand-alone collectors shall be considered on a case-by-case basis, but in no instance shall they be permitted outside of the setbacks.



Length of any wall in plan if one-story



Length of any wall in plan if two-story or if gabled

4.5 Structural Engineering

All foundation, framing and roof plans must be certified by a Professional Engineer or Architect licensed in the state of Colorado.

4.6 Snow Storage

33% of all plowed areas are required for snow storage. All snow must be stored on the property and trees shall not be planted in snow storage areas. Snow storage areas must be clearly delineated on all site plans submitted for approval.

No new landscaping material shall be added to areas that have been designated/approved for snow storage in such a manner that new landscaping will impair these areas from being able to adequately store snow.

4.7 Fireplaces

Refer to section 8.10 *Solid Fuel-Burning Devices* in the *Crested Butte South Special Area Regulations* (beginning on page 8-5).

4.8 Fences

No fence shall be erected or maintained within fifteen feet of any street or road; nor shall any fence exceeding three feet in height be erected or maintained without the approval of the DRC. No fence shall be placed or erected within a utility easement without prior written permission from the easement holder, and then only after locates have been conducted. No fences shall be placed in areas designated/approved for on-site snow storage.

- A. P.O.A. approval shall be required for all fences.
- B. The street side of the residence is defined as an area which on one side abuts any street or road and runs toward a point on each outside corner of the residence structure which is facing such street or road. A straight line from each outside corner of the residence structure shall be drawn to the side lot line which is closet to such corner. All area between such lines and the street or road shall be the street side of the residence.
- C. Fencing over 6 feet height is prohibited. In applications where solid fences are desired, the “good side” must be facing away from the property. Utilizing plant life is encouraged for screening purposes.
- D. All fencing must be within the boundary of the Lot. Nothing shall prohibit adjacent property owners from agreeing to construct a fence on their common property line.
- E. The fence materials, color, scale, and texture must appear integrated into the overall design of the residence. Log and/or wood-framed fencing materials are strongly encouraged. All log and/or wood fencing material must be treated with a protective clear coating at a minimum. T-posts, chain link and barbed wire are not permitted. Wire mesh may be used in conjunction with log or wood fencing in order to enclose pets, but must be placed on the interior of the fence.
- F. Fences on the street side of the residence shall not be erected or maintained within fifteen feet of any street or road. A street side fence which is solid in material cannot exceed three feet in height.

A street side fence which is not solid in material shall not exceed four feet in height.

- G. In order to consider an application to construct a fence, the owner must submit written plans and specifications (“Fence Plan”) showing the nature, kind, shape, height, materials, color, and location. The plans shall include the measurements from all structures and lot lines and include a photo of the materials to be used.

The P.O.A. will not consider the applicant’s application until the applicant has satisfied all of the requirements set forth herein.

- H. The applicant shall provide the P.O.A. with a letter from any adjacent property owners for which the proposed fence will be placed directly over a shared property line.

4.9 Odors

Any activity in CB South that causes, creates, or otherwise involves odor must abide by Colorado State Regulation(s) on odor emissions.

DESIGN REVIEW PROCESS

5. Review Sequence

Although these Guidelines are quite specific in a number of areas, they should not be simply viewed as a “recipe” which, if followed to the letter, will result in an acceptable design for every circumstance – studied design creativity remains the essential catalyst which will spawn interest and variety from this family of options.

We recognize that no compilation of Guidelines can possibly address or foresee every potential set of circumstances or conditions. Therefore, variances from these individual precepts may be granted on occasion for a quality design solution which is consistent in the aggregate with our stated goals, even though it does not conform exactly to every stipulation. However, variance option must be applied judiciously and with restraint; applicants must avoid any attempt to misapply the variance process in the hopes of the endorsement of a design which contravenes our stated goals. In the final analysis, the Review Committee shall remain the indisputable judge of the suitability of any design solution.

Our review procedure is an interactive process by design. Thus we have incorporated several mileposts from conception to completion to provide opportunities for the exchange of ideas and information between the Owners, his or her Architect or Designer, and the Committee or its Agent(s). Ongoing communication helps keep us all on the same page, so to speak, thereby reducing your potential for costly digressions in pursuit of an unacceptable design solution. The progressive phases of the Crested Butte South Design Review Process are as follows:

5.1 The Pre-Design Conference:

Prior to preparing preliminary plans for any proposed improvement, it is mandatory that the Architect or Designer and Owner meet with the Association Manager to discuss proposed plans and to resolve any questions regarding building requirements in CB South. This informal review is to offer guidance prior to initiating preliminary design, and may occur on site. A copy of the survey should be available for review at this meeting.

5.2 Submittal and Review:

Guidelines for submittal and review are contained within the *Crested Butte South Special Area Regulations*.

5.3 Re-Submittal of Plans:

In the event of any disapproval of plans by the Association Manager and/or the Review Committee of either preliminary or a final submittal, a resubmission of plans must follow the same procedure as an original submittal. The Association may assess an additional design review fee upon subsequent submittals. The minimum re-submittal fee is \$100.00.

5.4 Pre-Construction Conference:

Prior to commencing construction, the builder must meet with a representative of the Review Committee, on-site, to review construction procedures and coordinate their activities in CB South. If a builder should begin any construction activities prior to this meeting, a fine of \$250.00 will be imposed.

5.5 Subsequent Changes, Remodels, Additions:

Additional construction or other improvements to a residence, structure, or property, or changes during construction or after completion of an approved structure, including landscaping and color modification, must be submitted to the Association Manager for approval prior to making such changes or additions. The review fee for any change, remodel, or addition will be \$50.00 minimum with a greater fee to be determined, which correlates to the relative cost for duplicated review efforts upon subsequent submittals which diverge substantially from previously reviewed applications for the same site, whether previously approved or denied. This includes any color modifications to the structure. To receive a review of any change, a submittal must be made in writing outlining the intended improvement. All drawings must be of professional quality with sufficient design detail.

This review sequence is required for all improvements within the Crested Butte South Subdivision. At times, there will be requests for minor modifications or additions to existing buildings or site improvements, which will not warrant the full review process. The information and process required to review minor modifications will be determined by the Association Manager based on the magnitude, potential visibility and impact of the improvement. A building permit may be required for even seemingly minor modifications. It is important to check with the Building Department of Gunnison County, Colorado prior to making any modification to existing buildings, interior or exterior.

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Review Committee

6. Review Committee

The Design Review Committee is made up of a five (5) member Committee (with up to two alternates) established to review and act on plans for improvements on any lot to ensure compliance. The Design Review Committee is the Improvement Committee described in Sections 1.01-4 and 2.00 of the Covenants and Restrictions of Crested Butte South recorded in Book 420 at page 404 of the Gunnison County records. The Committee shall be composed of at a minimum of one (1) and no more than two (2) Commercial Area lot owners, at least two (2) residential-use-only lot owners, and no more than one P.O.A. Board member, all of whom are appointed by the P.O.A. Board, with each member entitled to one vote on matters coming before the Design Review Committee. A quorum of the Board shall be three (3) members in order to hold a meeting and conduct business. Decisions rendered at meetings where only three (3) members are present must be unanimous. Each member shall serve a two year term, and terms shall be staggered.

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Review and Approval

7. Review and Approval

No new structure or external improvement of any kind shall be commenced, constructed, erected, maintained, altered or changed upon any Lot, nor shall any Landscaping or fencing be commenced nor shall any exterior addition, change or alteration be commenced, until the plans and specifications therefore have been submitted to and approved in writing by the DRC in the manner hereafter set forth.

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Submittal Material

8. Submittal Material

The applicant shall submit to the CB South Association Manager an application for architectural approval which may be obtained from the P.O.A office, or the P.O.A.'s website at www.cbsouth.net, along with the appropriate application fee and supporting documents.

The specific submittal material information is detailed in the *Crested Butte South Special Area Regulation*. All exhibits must be submitted along with the application, copy of the property's deed, and application fee:

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Construction Hours

9. Construction Hours

Construction activity that is likely to generate noise which is audible beyond the property boundary, such as hammering, sawing, excavation work, and concrete or material deliveries, must be confined to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, from 8 a.m. to 5 p.m. on Saturday, and from 9 a.m. to 3 p.m. on Sundays, or as may be further restricted by the P.O.A. form time to time.

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Health and Safety Compliance

10. Health and Safety Compliance

All applicable statutes, ordinances, or rules pertaining to health and safety, including all applicable provisions of the Occupational Safety and Health Act (O.S.H.A), and restrictions pertaining to the handling or disposal of hazardous materials and toxic substances or waste must be observed and obeyed throughout the construction process.

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Sanitary Facilities

11. Sanitary Facilities

Each Owner or General Contractor shall be responsible for the provisions of adequate sanitary facilities for the use of jobsite personnel, throughout the active construction process. Each portable toilet shall be situated with the property lines in the location approved on the construction staging plan. Each toilet must be emptied or exchanged as often as is necessary to prevent the attraction of insects or the generation of objectionable odors.

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Firearms

12. Firearms

The possession or discharge of any type of firearms by construction personnel anywhere within the CB South Subdivision is prohibited.

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Alcohol and Controlled Substances

13. Alcohol and Controlled Substances

The consumption of alcoholic beverages or the use of any controlled substance by construction personnel within the CB South Subdivision is prohibited.

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Pets

14. Pets

No pets may be brought to or onto a construction site, except by the Owner of the property; any and all pest brought to the site by an Owner must be appropriately leashed or restrained.

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Restoration of Property

15. Restoration of property

Upon the completion of construction, each Owner and his or her General Contractor shall clean the site and repair all property which has been damaged, including but not limited to reshaping and revegetation of disturbed grades, and the repair of streets, driveways, pathways, drains, culverts, drainage ways, signs, lighting, and fencing.

In addition, each Owner and his or her General Contractor shall be held financially responsible for the cost of the site restoration or revegetation and refuse removal necessitated upon any adjacent or neighboring property as a result of trespass or negligence by their construction personnel, sub-contractors, or material suppliers.

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Final Inspection

16. Final Inspection

Prior to the issuance of the Performance Deposit refund, the Owner or General Contractor must first request a Final Inspection by the P.O.A. Manager. The purpose the Manager's inspection shall be to confirm that all construction and improvements have been completed in accordance with the approved plans, or to identify any deficiencies which must be corrected prior to the issuance of the Performance Deposit.

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Good Neighbors

17. Be a Good Neighbor!

There is no question that the construction of each “next new residence or business” is disruptive to its surrounding neighborhood. By its very nature, building is a noisy, dusty, traffic-generating activity. We acknowledge that it is virtually impossible to eliminate all of the annoying aspects of construction; but we also know for a fact that the level of annoyance can be significantly reduced by the builder who maintains a mindful respect and regard for the sensibilities of nearby residents. For example, whenever possible, schedule a noisy delivery or activity through the middle of the day, instead of at dawn’s early light when others might still be asleep, or during the fading twilight when others might be sitting down for a quite dinner. Remember that your fellow Owners or even their renters should not have to forfeit their rights to enjoyment of Crested Butte South for the construction of your new home or business.

When neighbors are treated with respect they will become more tolerant. Our Manager and our Review Committee receives fewer complaints, and your construction progresses to completion with fewer corrective interruptions. So, be a good neighbor, it’s best for us all!

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