

MOUNTAIN SIDE HOMEOWNERS ASSOCIATION

ARCHITECTURAL CONTROL GUIDELINES

(Revised May 2022, Ver. 2.3)

(Revised February 2014)

(Revised March 2022)

TABLE OF CONTENTS

A. Introduction	Page 3
B. General Architectural Philosophy of Mountain Side	Page 3
C. Feedback on Property Condition	Page 3
D. Design Review, Approval and Appeal Process	Page 4
E. Design and Architectural Guidelines	Page 5
F. Fencing Requirements/Restrictions	Page 6
G. Roofing Requirements/Restrictions	Page 6
H. Landscaping Requirements/Restrictions	Page 7
I. Construction Requirements	Page 7
J. Other Considerations and Parking	Page 8
 Appendix	
ACC Request Form	Page 9

A. Introduction

The Mountain Side HOA has established these Architectural Control Guidelines (Guidelines) to help patio home, free standing homes and duplex owners when they are considering changes to the exteriors of their homes and properties. The primary objective of these standards and controls is to assure that a consistent look and feel of our neighborhood is maintained.

The Mountain Side Declaration of Covenants, Conditions, and Restrictions (Covenants) establish the Architectural Control Committee (ACC) which is comprised of Board members and owners appointed by the Board of Directors (Board) and who provide help in establishing and overseeing community standards and provide reviews and approval of all change requests. Approvals are required for all new construction, modifications to existing construction, and any additions to or modifications of landscaping on any house or lot. Requests are made through the Mountain Side property managers via the attached Request form.

Most exterior design changes, additions, or modifications must be approved, in advance, by the ACC. Some items are pre-approved and require no Request.

Along with the Guidelines, Sections II and VII of the Covenants highlight Architectural and Site development requirement. The Covenants are accepted by every homeowner in Mountain Side when title to the property is taken. A copy of the Covenants can be found on-line at the srghoa.com website, under Frisco HOAs, Mountain Side or by requesting a copy from the property management company.

Where the Covenants and these Guidelines differ in requirement and procedure, the more restrictive shall apply. Where the two are contradictory, the Covenants shall prevail.

These Guidelines and procedures do not replace any applicable engineering design, construction management, inspections nor the Building Codes and permit requirements, in force by the Town of Frisco (Town), Summit County nor the State of Colorado.

B. General Architectural Philosophy of Mountain Side

Mountain Side is a mountain community of single family and duplex homes. HOA amenities include a clubhouse and a lake. The overall architectural theme is to blend into the setting of the native pines and aspen trees, with a background of the Rocky Mountains. Wood is the overriding material of construction. Some metal roofs and rock facing accents on homes have been approved. Minimal fencing occurs in the community and efforts have been made to preserve the creek and surrounding wetlands.

C. Feedback on Property Condition

All homeowners in Mountain Side are expected to maintain their property with consideration given to paint or stain condition, condition of structure, driveway condition and the condition of landscaping on the property. Unsatisfactory elements may be flagged during monthly “walk-arounds” inspections, by site staff, or HOA Board Members. Elements that are indicated as unsatisfactory will be brought to the attention of the homeowner, with the expectation that they be corrected and brought up to community standards.

D. Design Review, Approval and Appeal Process

An applicant begins a formal project review by submitting the following required information on the ACC Approval Request Form (Request), found in the Appendix.

- The Request shall be completed in full. It should be submitted to the property management company a minimum of 30 days prior to the desired start of a project. Frequently, applicants will make a Preliminary Request to seek ACC feedback prior to detailed design and seeking of a building permit, if required. This is to help avoid recycle and potential unnecessary expense. Final ACC review and approval is done after a final Request is made and after design and permitting are complete.
- A site plan is required for major lot modifications. This plan should show existing buildings, fence lines, property lines, and easements, along with the proposed buildings, landscaping or other improvements.
- A landscape plan should show retained trees, proposed plants, sizes, species, location, landscape features, and a description of any planned irrigation system.
- Details describing scope of proposed construction, as well as other details as requested in the guidelines below.

The ACC will consider the Request, may conduct a site visit, clarify questions, and render a decision by vote. An affirmative vote of the majority of the ACC constitutes approval. A written decision will be returned to the applicant by the property management company within 15 days of a decision. In addition, a limited variance to these Guidelines may be granted by a two third vote of the ACC. The variance requires good cause by the owner and compliance with any additional terms and conditions imposed by the ACC.

It is the responsibility of an applicant or their contractor to secure the required building permits, and inspections from the Town, County or State.

In the event than a Request is considered non-conforming according to these Guidelines, the ACC may deny the Request. If after clarifications, the Request is still denied, the applicant may petition for an appeal of denial by submitting a request to the Board of Directors, through the property management company. If approved by the Board of Directors, the request will be considered to have been approved by the ACC and the homeowner may proceed with the changes outlined in the Request.

An applicant shall notify the Mountain Side property manager upon a project's completion. If the work is not done according to the approved application, the ACC has the authority to require the applicant to remedy the defect in a reasonable timeframe or be subject to action by the ACC to remove any unapproved construction at the expense of the applicant.

ACC reapproval is required for any project that does not start within 12 months and completed within 18 months following approval.

In any situation, the Board of Directors shall have the final authority subject to the Declarations and Covenants of Mountain Side.

E. Design and Architectural Guidelines

Pre-approved Uses

The following types of changes, additions, or alterations are pre-approved by the ACC and a Request submission is not required:

- Additions or replacement of plants to a property in accordance with a previously approved landscape plan.
- Modifications to the interior of a residence when these modifications do not materially affect the outside appearance of the structure. Replacement of windows and doors in kind.
- Replacement of a roof of similar color and material as the existing
- Exterior Repainting and/or re-staining in the present colors, where the present colors were either the original colors or were previously approved by the ACC
- Repairs in kind to an original structure or to a modification previously approved by the ACC
- Installation or repair of an irrigation system
- Seasonal decorations if removed within 60 days following the holiday.
- Real Estate "For Sale" sign or other sign during construction which are not larger than five square feet. No more than one sign can be placed on a given lot at a given time.

The following projects or modifications require HOA ACC approval:

- Proposed changes to the colors and finishes of building's exterior walls, trim, windows, or doors. Color samples or photos of any proposed paint shall be provided with an Approval Request. Colors shall be in harmony with other existing homes or colors similar to those originally employed in Mountain Side. Unpainted surfaces and un-stained surfaces, such as brick or stone, shall not be painted or stained.
- Proposed shingle or metal clad reroofing. Color samples shall be provided with the request.
- Addition of any stone or alternate exterior siding.
- Any major structural changes that impact the visual lines of a structure or expand its footprint.
- Landing, patio, or balcony.
- Attached deck changes or additions. Design plans, color, layout, and materials shall be reviewed.
- A new deck or any major structural change that may obstruct a neighbor's views.
- Major landscaping and or removal of a live tree, above 6" trunk diameter.
- Window and exterior door replacement if not of similar style and color.
- Attached hot tubs.
- Installation of a patio fire table or permanent grill.
- Installation of a TV or internet dish.
- Installation of a TV or other antenna.
- Installation of solar panels.
- Installation of a new driveway.
- Installation of a fence of any kind.
- Major property landscaping and/or removal of mature vegetation. Conversion to xeriscape.

The following elements are prohibited:

- Installation of any pool, water feature, gazebo, permanent furniture, windmill, roof top decks.
- Swimming pools or free-standing hot tubs.
- Installation of a permanent fire pit or grill in a front yard or along the side of a corner lot
- Installation of a dog run. Small, temporary dog pens are allowed in a back yard if not visible from the street and not offensive to a neighbor.
- Sheds, permanent playhouses, other permanent structures
- Installation of a new, free-standing garage or office or storage structure
- In general, new property fencing is prohibited. Some exceptions for split rail fences have been approved around the exterior boundary of Mountain Side (see below).
- Brick retaining walls or patio walls
- Permanent clothes lines
- Permanent wind chimes, due to frequent high winds and experienced noise throughout the night.
- Play structures, zip lines, slack lines, climbing structures, slides
- Installation of a major earthen berm. Raised flower beds are allowed.
- Alteration of a natural stream's flow. Installation of a well.
- Installation of overhead electrical and communication lines
- Bright lights, include spotlights, that shine into neighbors' yards. Frisco also has a 'dark skies' rule for outdoor lights.

F. Fencing Requirements/Restrictions

The use of fencing is limited within Mountain Side.

- Fences are not allowed in the front or back yards of interior lots located in and bounded by Bill's Ranch Rd., 5th Avenue, McKee's Way and Hunter's Circle (lots 10-25).
- Fences are not allowed in the front yard (defined as front yard back to the midpoint of home) of perimeter lots – duplex and patio homes on perimeter of development (lots 1-9, 35-40, 600, 610). Back and side yard fences are subject to ACC approval (generally wooden split rail).
- Front and back yard fences are subject to ACC approval (generally wooden split rail) for single family homes (lots 26, 28-34).
- Existing fences, installed prior to November 15, 2013, are grandfathered.

G. Roofing Requirements/Restrictions

Roof replacement requires an ACC Request for information purposes when replacing roof material with the same type of material, structure and color. However, an ACC Request and approval is required when deviating or changing the original material, color or structure. Note that the Town of Frisco has adopted new Building codes, including local addendums, since Mountain Side structures were originally constructed. Owners shall secure needed building permits and comply with current building codes.

Metal roofs have been both added and removed over the years on Mountain Side structures. A change in material necessitates an ACC Request for approval.

H. Construction Requirements

- Construction will be done in a safe and professional manner
- Construction waste, other than a de minimis amount, shall be removed from the site and not placed in the community dumpsters. The temporary use request for a dedicated project waste dumpster and/or a portable toilet shall be included in a project Request. Their temporary placement may be coordinated with site manager.
- Construction shall comply with any and all Town of Frisco permit requirements
- Construction Contractor will be responsible for the coordination of any required project inspections. Note that roofing mid-roof and final inspections may not provide complete contractor compliance to applicable codes as the Town inspectors do not leave the ground to physically inspect work.
- Contractor shall carry liability insurance
- Temporary construction vehicles shall be parked legally and such that other traffic is not impeded and can pass safely.
- Construction shall commence and be executed in a timely manner after ACC Request approval. ACC reapproval is required for any project that does not start within 12 months and completion with 18 months following approval.
- The HOA has the right to inspect all completed projects and any deficiencies shall be corrected immediately at owner's expense.
- Any damage to another property caused during construction will be repaired at the expense of the project owner.

I. Landscaping Requirements/Restrictions

Any major landscaping shall be done in accordance with a landscape plan approved by the ACC. The plan shall show all proposed landscape improvements including trees, shrubs, grass, mulches, patios, decks, fences, arbors, stone work, retaining wall, vehicle parking areas, etc. Major landscaping additions that are not part of the initial landscape plan must receive new approval.

Replacing of dead or dying landscape features with identical or similar, or the addition of small annual or perennial gardens, do not require approval.

Landscaping Maintenance

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, fertilization, pruning, removal and replacement of dead or dying plants, removal and or killing of weeds and noxious grasses and removal of trash.

- Slash shall not be left in the front of yards, longer than for 30 days.
- The berms that exist on the property must be maintained by property owners, in line with other landscaping.
- Trees shall be trimmed as to maintain their health. If a tree dies, it should be replaced, unless approved by the ACC for permanent removal.
- Trees adjacent to structures will be evaluated by owners periodically for potential fire mitigation removal.
- Any rock bed area shall be maintained in an attractive manner, with removal of weeds.

J. Other Considerations

Certain activities or property use are prohibited within Mountain Side (refer to Covenants, Article VII for more detail). These include but are not limited to the following:

- Activities that constitute an annoyance to the neighborhood. These could include regular parking of vehicles on the lawns, sound systems that create noise that can be heard beyond property lines, a commercial carpentry, machine shop, auto repair or similar set up in one's garage.
- Outdoor storage of trash, building materials, equipment, trailers, boats, ATVs, garden supplies.
- Vehicle parking and storage on Site requirements are found in the Mountain Side Rules, Regulations and Policies, Section 10.

**Mountain Side HOA and Condominium Association
Architectural Review and Control Approval Request**

Project Name: _____ Date of Request: _____

Request Made by: _____ Preliminary _____ Final _____

Owner Name: _____

Owner Mailing Address: _____

Owner Contact Information: Phone: _____ E-mail: _____

Property Address: _____

Project Description/Scope of Work. Attach design plans, plot plans, permit approval if needed:

Expected Contractor(s) to be used: _____ Licensed? _____

Work will be done by owner or occupant: YES: _____ NO: _____

Expected Construction, Start Date: _____ Completion Date: _____

Expected Date of Permit Request if required to Town of Frisco: _____

Submit this form via e-mail to: gfilkowski@srgsummit.com

Or mail request to: Summit Resort Group, PO Box 2590, Dillon, CO 80435