

# **Mountain Side Condominium Association**

## **Architectural Control Guidelines**

**(Revised May 2022, Ver. 2.3)**

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## **A. Introduction**

The Mountain Side Condominium Homeowners Association (Association) has established these Architectural Control Guidelines and procedures to assist condominium owners who are considering changes to their properties. The primary objective of these standards and controls is to assure that proposed condominium unit modifications meet Association regulations and community safety considerations, and applicable Building Codes.

The Association adopt these Guidelines to clarify, update and clarify the Rules, Regulations and Policies (Rules), revised May 2021, pursuant to the Condominium Declaration for Mountain Side Condominium Declaration (Declaration). These Guidelines update Sections 3, 4 and 17 of the Rules and clarify the role of the Condominium Architectural Review Committee (ACC) which is comprised of Board members and owners appointed by the Board of Directors (Board) and who provide assistance in establishing and overseeing community standards, and provide reviews and approval of change requests.

Approvals are required for all new construction and unit modifications. Requests are made through the Mountain Side property managers via the attached Approval Request (Request) form. Some modifications are pre-approved and do not require a Request. A signed Homeowner Agreement must also accompany a final Request. Both forms are attached in the Appendix to this guideline.

A copy of the Mountain Side Rules and a copy of these Guidelines can be found on-line at the [srghoa.com](http://srghoa.com) website, under Frisco HOAs, Mountain Side or by requesting a copy from the Property Management company.

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 (County) or the State of Colorado.

## **B. General Architectural Philosophy of Mountain Side Condominiums**

Mountain Side Condo HOA supports the upgrades to condominiums by owners. Exterior modifications are tightly controlled so as to maintain the overall building appearances. Also changes to building structures and utilities that may impact building integrity or safety are closely managed.

## **C. Design Review, Approval and Appeal Process**

An applicant begins the formal project review by submitting a ACC Approval Request Form (Request). A copy of the Request form is found in the Appendix. The overall process is similar to Architectural Control Guidelines for the Mountain Side HOA home owners.

- The Request shall be completed in full. It should be submitted to the property management company a minimum of 30 days prior to the proposed 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. A signed Mountain Side Condominium Homeowner's Agreement must also accompany a Preliminary Request, if needed, and a final ACC Request.
- The project scope description, including a floor plan or sketch, is required for all unit modifications outlined in these Guidelines.

The ACC will consider the Request, seek additional information if it is required, and will 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 via the property management company within 15 days of a decision.

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

ACC reapproval is required for any project that does not start within 12 months and completed within 18 months following approval. An applicant shall notify the Mountain Side property manager upon a project's completion. The ACC and the HOA has the right to inspect any and all completed projects and any deficiencies must be corrected in a timely and agreed timeframe and at the owner's expense.

If a Request is considered non-conforming according to these guidelines, the ACC will 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.

In any situation, the Board of Directors shall have the final decision authority subject to the Declaration.

#### **D. Design and Architectural Guidelines**

##### **Pre-approved Elements which do not require ACC approval:**

- Replacement of in-kind kitchen appliances
- Replacement of in-kind fixtures, faucets and toilets
- Replacement of an in-kind hot water heater or furnace do not require ACC approval; however, they do require a Town permit and use of a licensed contractor. Please note that new hot water heaters and furnaces must come with an adjacent CO (carbon monoxide) monitor and appropriate exhaust venting and be designed and installed per Town building codes.
- Installation of local battery powered fire alarms and CO detectors
- Replacement of in-kind kitchen or bathroom fans and comparable light fixtures
- Security systems, internet, and other low voltage appliances, unless walls are altered
- Replacement of windows or exterior doors in-kind with similar color, size, and style of existing
- Interior wall and ceiling painting with latex-based paint

##### **Elements requiring ACC approval:**

- Floor replacement. If replacing carpet with flooring, a new sub-floor is required to be installed to reduce noise to a unit below. Underlayment must be used appropriate to flooring type to reduce noise transmission. Homeowner must provide underlayment specifications with all flooring change requests. It is recommended to use a product with a minimum IIC rating >50 and a STC rating of >50. Note that areas of high moisture may impact the selection of underlayment material. Any under or in floor heating requires ACC approval.
- Replacement of windows or exterior doors of a different style or color.
- Replacement of an existing fireplace in-kind. Provide description of new unit, fuel and surround.
- Interior modifications to walls, or utilities, including electrical, plumbing, mechanical, heating.
- Breach into exterior wall or insulation

- Interior stains with type specified. Issues are potential fumes and volatility.
- Update or relocations of any, non-low voltage, electrical. Include a detailed work description and floor plan. Work must be performed by a licensed electrician. Will require a Town permit and potentially a Summit County permit.
- For changes to plumbing and installation of washers & dryers, see Section E, below.
- Installation of a private auto charging station in the garage. Requires a Town and County building permit and use of a licensed electrician.

**Elements Prohibited:**

- Window mounted air conditioners
- Modification to deck or balcony, installation of deck privacy screens,
- Charcoal grills, wood and gas fire tables, gas heater and lamps
- Modifications to any Common Elements except as outlined in section F, below
- New gas or wood fireplaces where none previously existed
- New windows or skylights where none previously existed
- Recessed lights in the exterior insulated ceilings

**E. Plumbing Modifications and Installation of Washers & Dryers**

- Plumbing alterations are subject to ACC approval and must be done by licensed contractors and with a Town building permit. This includes the moving of a water supply or waste line.
- Installation of washers and dryers is allowed in all condominium units provided the following conditions below are met.
- Submittal and approval of a Request
- Securing the applicable (plumbing, electrical, structural) permits from the Town and electrical permit from the County
- Washer water connection lines must be covered in braided metal. Installation of a metal drain pan
- An automatic water shut off valve must be installed on the supply line. It must be able to detect a leak and shut the water off. This requirement does not apply to original washers installed in I and J buildings prior to 3/1/13 but shall be installed during any future upgrade or replacement.
- All dryer vents must be cleaned once every three years by a third-party contractor secured by an owner
- All gas dryers must be vented.

**F. Common Elements and Attic Space**

Modifications to any Common Element by an owner or occupant of a unit requires ACC approval and may require Town building permits. This includes any modifications to a unit's porch, walkway, windows and doors. See section 2 of the Rules.

Inquiries have been made relative to the requirements for development of the attic bonus space that exists above or adjacent to some of the condo units. Around 2014, some of the owners had made unpermitted modifications to add storage, rooms, and appliances. The Condo board required that the owners secure building permits from the Town after the fact. The Town issued permits with conditions

which included building code compliance and the connection of fire alarms. The Town also limited the amount of reclaimed space to one third (1/3) of the total attic space per building.

Any future modifications to an attic space is subject to ACC formal approval. Remodeling beyond adding storage space, including plumbing, gas and electrical, heating ducting, also requires approval and permits from the Town of and installation by licensed contractors. If development is to be pursued by an owner, the following guidelines shall be followed.

- Space for storage of non-volatile items can be done with the addition of an access door and installation of plywood flooring in the attic. This requires ACC review and approval.
- Any modifications must adhere to ACC guidelines and applicable building codes and must be permitted by the Town. As mentioned above, the Town only allows up to one third of attic space per building to be developed and thus some buildings may not allow further attic space recovery.
- External walls or roof intrusions are not allowed. This includes skylights.
- Disruption of any exterior wall or ceiling barriers or insulation is disallowed.
- Washing machines and dryers, furnaces, heaters, other appliances are disallowed in recovered attic space
- Fireplaces and portable heaters are not allowed
- Any areas that could be used for sleeping require multiple methods of egress and thus typically are not available in the attic. Some expansion of lofts have been allowed with an open wall to allow full egress.
- Safety related impacts and any harm to the existing condo building will be the responsibility of the owner. Connected fire alarms are required

It is recommended that any proposed work beyond additional storage space recovery, be reviewed by the ACC prior to final design or permitting. This preliminary request should be made through the Property Management Company and include a scope description and sketch of proposed modifications. The ACC will review and provide initial thoughts so an owner can minimize the expense of architecture fees, prior to making a formal ACC request, and a formal permit request to the Town. This informal feedback from the ACC does not indicate any approval nor likelihood of the permitting of a project by the Town and a final Approval Request must still be provided with supporting final design documentation.

## **G. Construction Requirements**

- Construction will be done in a safe and professional manner
- Volatile material (i.e., cleaners and varnish) shall only be done with proper ventilation and after potential ignition sources have been turned off or removed.
- Construction waste, other than a de minimis amount, shall be removed from the site and not placed in the community dumpsters. A temporary use request for a dedicated project waste dumpster and/or a portable toilet shall be included in the project Request. Their temporary placement may be coordinated with site manager. No waste shall be left in walkways, garages, or other property locations and subject to a fine if not adhered to.
- Construction shall comply with all Town and County permit requirements
- Contractor will be responsible for the coordination of any required project inspections.
- The ACC will be provided copies of signed off permits and inspections for washers and dryers
- Contractor shall carry Builder's Risk and Liability Insurance

- Work shall be done during normal daytime work hours and to minimize impact on neighbors
- Temporary construction vehicles shall be parked legally in a parking space. If temporary, oversized parking is needed it shall be included in the Request.
- An owner shall notify the Mountain Side Property Manager after Request work is complete

## 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: \_\_\_\_\_ Home \_\_\_\_\_ Condo \_\_\_\_\_

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

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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](mailto:gfilkowski@srgsummit.com)

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



**Mountain Side Condominium – Homeowner Agreement**

I understand the final approval of the ACC must be obtained before I can proceed with my project. I understand that approval by the ACC does not constitute approval by the Town Building Department nor Summit County, if required, and I may be required to obtain a building permit. I agree to complete improvements/modifications in a timely fashion after receiving approval from the ACC. I have read the ACC Guidelines and will comply with all requirements.

I further agree that if, at any time during the process, the ACC requests to enter into the unit or requests further information to determine if the improvement is being constructed in compliance with the Approval Request and in compliance with the Mountain Side Covenants and Condominium Rules, I will comply with the request. I agree that my failure to comply with the request(s) shall result in the withdrawal of the ACC approval. I further understand that the Association may request additional information prior to reviewing this Request. In addition, I agree that failure to start or complete the improvement within the time specified on the Request may result in withdrawal of the approval unless an extension is requested in writing and approved in writing.

Homeowner’s

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Approved by Property Management Company on behalf of the ACC: Yes \_\_\_\_\_ No \_\_\_\_\_

Approved with the Following Conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disapproved for the Following Reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Manager Company Signature: \_\_\_\_\_ Date: \_\_\_\_\_