

**DESIGN GUIDELINES  
FOR  
LARKSPUR**

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**SIGN GUIDELINES  
FOR  
LARKSPUR**

**ARTICLE I**

**I. INTRODUCTION**

**A. Relationship to Protective Covenants and Other Regulations**

The Design Guidelines are supplemental to restrictions and processes established in the Declaration of Protective Covenants for Larkspur recorded in the record of Gunnison County, Colorado. Owners of each lot are encouraged to review both documents together.

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.

**B. Authority of Design Review Board (DRB)**

No Single-Family Residence, Multi-Family Structure, Maintenance Structure, Recreation Structure, Garage, Building or Improvement shall be commenced, constructed, erected or maintained upon any Lot, nor shall any landscaping be done, 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 DRB in the manner set forth in these guidelines.

**II. IMAGE STATEMENT**

**A. LARKSPUR Philosophy**

Larkspur is designed to harmonize with neighboring properties: the Country Club subdivision to the north and with the agricultural land to the east and the residential subdivision to the southeast. A large amount of recreational open space is massed in the western portion of Larkspur to provide a buffer between the county road and the lots, and in the southwest to create a transition between the Lots and the agricultural land. The Larkspur philosophy is to provide an atmosphere of community. The objective of the Design Review Guidelines is to encourage a high standard of homes, both in terms of construction and aesthetics. Larkspur recognizes the need to meet the Owner's needs, tastes, and individuality. The intent of the DRB is to encourage individual expression and outline a basic set of criteria. These criteria have been established to govern building massing, color, and materials, and to set standards for landscaping, in order to reduce visual

impact by conforming to the existing topography, and to increase privacy of each Single-Family Residence. Building Sites defined by setbacks have been established for each Lot to protect the natural terrain, views, privacy, and the relationship between adjacent sites.

The underlying goals of these Design Review Guidelines are to protect and enhance the natural landscape, minimize the visual impact from other areas in the community and from within the community, and to maximize the long-range views from each lot.

**B. LARKSPUR**

Larkspur is designed as a cluster of single family homes and multi-family structures along a single road surrounded by open space.

The design concept is to have the impact of residences softened by planting indigenous trees in masses reflecting natural vegetation patterns. These patterns follow the existing drainages and meander throughout the neighborhood. The planting will also provide privacy between lots and frame long range views. Larkspur Loop, Daisy Circle, Thomas Circle, and Nicky Circle have been carefully designed to follow existing topography so as to have minimum impact on the landscape character.

## **ARTICLE II**

### **DEFINITIONS**

1. **Association Lot.** That lot designated on the plat preceded by an "A". This lot is for the purpose of maintenance, offices, garages, and one employee unit to be owned and used by Larkspur Community Association.
2. **Basement.** That portion of a structure as defined by the Uniform Building Code.
3. **Condominium.** A building or group of buildings in which the land is owned in common by the owners of individual airspace units.
4. **Essential Single Family Lot.** Those lots designated on the plat preceded by an "E". These lots are deed restricted in their nature per Gunnison County Housing Authority Guidelines.
5. **Essential Multi-Family Lots.** Those lots designated on the plat preceded by an "EM". These lots are deed restricted in their nature per Gunnison County Housing Authority Guidelines.

6. **Footprint**. Building square footage within the foundation of the house, including garage, excluding decks.
7. **Garage**. A fully enclosed structure or an area within a fully enclosed structure with one or more doors for parking motor vehicles. Each parking space within a garage shall be at least 20 feet by 10 feet.
8. **Gross Residential Floor Space**. The usable interior floor space within dwelling units, excluding all exterior walls, porches, carports, garages, decks, basements, areas less than 5 feet in finished height and floor areas less than 7 feet finished width in any dimension. Square footage of stairs count on each floor minus space under the stairs that is less than 5 feet in height.
9. **Indigenous Species**. Any species of flora naturally occurring within Gunnison County, Colorado.
10. **Insubstantial**. Any building, addition, renovation of structure or any clearing of trees or vegetation which is found by the manager or designee of Larkspur Community Association to be insignificant so that a full Design Review Committee review will not be required, provided all other conditions of the Design Guidelines are complied with. Such determination shall be made based on the following criteria.
  - a. Visibility or lack of visibility of the proposed construction from the streets, or other commonly traveled ways,
  - b. Extent of the proposed changes are minor in relation to the entire structure; and
  - c. Impact of the proposed changes is minimal on the character of the surrounding neighborhood.Every insubstantial approval shall be in writing approved by the Design Review Committee.
11. **LARKSPUR Community Association**. A Colorado nonprofit corporation, formed for the purpose of enforcing the Declaration of Protective Covenants and adopting Design Guidelines for the purposes specified in Article I hereof.
12. **LARKSPUR Design Review Committee**. A group of three to five persons who shall be members of the Board of Directors of the Larkspur Community Association, or who shall be appointed by the Board of Directors of the Larkspur Community Association, responsible for the adoption, administration and enforcement of these Design Guidelines.
13. **LARKSPUR Water District**. A special district formed for the purpose of operating, maintaining and providing potable and non-potable water service to all lots within LARKSPUR.
14. **Manager**. The person responsible for supervising the business of the Larkspur Community Association.



15. **Nominal Board Feet.** All board measurements contained within this document are referenced in Nominal Board feet or inches and not their true measured dimensions.
16. **Owner.** The owner of record, whether a person, firm, corporation, or partnership, of fee simple title to any tract or lot in **LARKSPUR NEIGHBORHOOD.**
17. **Plan Submission Date.** The date of hand delivery or the date of receipt as shown by a certified mail receipt, of any documentation required to be submitted to the Larkspur Community Association hereunder.
18. **Protective Covenants of LARKSPUR.** A separate document entitled "Declaration of Protective Covenants, Larkspur" which has been recorded with the Gunnison County Clerk and Recorder and runs with all lands located within LARKSPUR.
19. **Recreation Lot.** That lot designated on the plat preceded by an "R".
20. **Screening.** Shrubs, trees, fences, or other structures utilized to hide or shield from view unsightly objects, such as garbage storage areas.
21. **Set Back.** Distance from any building wall to the property line easement or right-of-way line.
22. **Sewer Main.** A primary sewer collection or outfall line, at least (8) inches in diameter, which is part of the East River Regional Sanitation District central sewer system.
23. **Sewer Service Line.** A branch sewer line used to serve one structure with one or more primary living units with a diameter less than eight (8) inches.
24. **Single Family Lot.** Those lots designated on the plat and preceded by an "S".
25. **Water Main.** A primary water distribution or transmission water line at least four(4) inches in diameter, which is part of the Larkspur Water District central potable or non-potable water system and used to serve water customers.
26. **Water Service Line.** A branch water line used to serve one structure with one or more primary living units, with a diameter less than four (4) inches.

## **ARTICLE III**

### **REVIEW PROCESS**

1. **Approval of Design Review Committee Required.** No building or other structure, including but not limited to dwellings, outbuildings, swimming pools, tennis courts, parking areas, recreational equipment, fences, walls, garages, drives, flagpoles, curbs, patios or walks, shall be constructed, erected or maintained on any lot, nor shall any

addition to or alteration or change therein be made, nor shall any vegetation be altered or destroyed on any lands, nor any landscaping be performed on any tract or lot, except for minor landscaping changes to improved tracts or lots, until complete plans and specification meeting the submission requirements set forth below have been submitted to the Design Review Committee and approved by said Committee prior to the commencement of such work.

Compliance with the standards and procedures set forth in this document does not necessarily satisfy compliance with applicable Gunnison County building codes or regulations. An owner or his representative must consult with the Gunnison County Building Department with reference to compliance therewith.

**2. Submission and Decision Procedure.**

**A. Preliminary Approval.** Persons or entities who anticipate constructing improvements on lands within Larkspur, whether an owner in LARKSPUR or who are contemplating becoming an owner, may submit preliminary sketches of such improvements to the Design Review Committee for informal and preliminary approval or disapproval. Any persons or entities not record owners must have the written consent of record owner before submission of such preliminary sketches. The Design Review Committee shall never be finally committed or bound by any preliminary or informal approval or disapproval until such time as complete plans and specifications are formally submitted and approved or disapproved.

**B. Plan Submittal and Review.** No submittal shall be considered complete until receipt of a plan meeting all plan submission requirements under Article IV below.

**C. Submission Place and Date.** Plans shall be submitted by delivery to the Design Review Committee office or by certified mail to said office. If hand delivered, plans shall be stamped with the date of delivery which shall be the submission date for purposes of determining the time limit for Committee action. If sent by certified mail, the date of receipt shall be the submission date.

**D. Committee Review.** The Design Review Committee or designated representative shall review all the plans and materials submitted, and may also make a site visit to ascertain plan accuracy and to obtain a visual sense of the site. The Committee shall review the plans for compliance with the general design objectives, the specific design requirements, and general use requirements set forth in the Declaration of Protective Covenants.

**E. Committee Action.** Within 60 days of the date of plan submission, the Design Review Committee shall, in writing, either:

1. Approve the items submitted, in which case the applicant may proceed with construction, subject to the provisions herein regarding performance bond, and any other provisions of these Design Guidelines or the Declaration of Protective

Covenants and subject to any requirement of Gunnison County to obtain Gunnison County approval.

2. Conditionally approve the items submitted, in which case the applicant must revise the items submitted to comply with the stated conditions, and file the revised items with the Design Review Committee for its approval prior to commencing construction.

3. Disapprove the items submitted, with written statement as to the reasons for disapproval and any suggestions as to changes that would make the designs acceptable. In this case, the applicant will be required to submit new plans and fees as requested and shall be premised on a finding that the proposed construction does not comply with general objectives and provisions of the Design Guidelines and Covenants.

The Design Review Committee shall return one set of drawings, together with a copy of the Committee's decision and requirements to applicant. If upon the expiration of 60 days from the date of submittal of adequate plans to the Committee, the applicant has not received notice of either approval or denial of his application, the same shall be considered approved, and the owner may commence construction, subject to the Larkspur Covenants and Design Guidelines, and after obtaining the applicable Gunnison County Building Department approvals, EXCEPT THAT the applicant may agree in writing to an extension of the 60-day decision period at the request of the Design Review Committee.

### **3. Requirements Upon Plan Approval.**

A. If any plan changes were made as part of plan approval, and if the Design Review Committee has previously required staking of the locations of improvements, improvements shall be revised accordingly.

#### **B. Performance Guarantee**

1. **For Single Family Lots, Essential Lots, and Essential Multi-Family Lots.** Upon the approval of construction plans, the lot owner shall be required to escrow funds to guarantee completion of construction, landscaping and cleanup on said lot. A deposit of \$2.00/square foot of proposed structure for each of these lots shall be submitted to the Design Review Committee, which shall hold said deposit in an escrow account. Those escrow funds shall be returned to the lot owner within one year following completion of construction. If at the end of this period, cleanup of landscaping is judged by the Design Review Committee to be incomplete or unsatisfactory, the Committee is hereby authorized to use the escrow funds to properly cleanup or landscape of said lot.

2. **For the Recreation Parcel.** Upon approval of construction plans, the developer of this parcel shall be required to escrow funds to guarantee completion of construction, landscaping and cleanup on said lot. A deposit of \$.50/square foot of proposed structure for each of these lots shall be submitted to the Design Review Committee, which shall hold said deposit in an escrow account. Those escrow funds shall be returned to the lot owner within one year following completion of construction. If at the end of this period, cleanup of landscaping is judged by the Design Review Committee to be incomplete or unsatisfactory, the Committee is hereby authorized to use the escrow funds to properly cleanup or landscape said lot.
3. **Appeal.** In the event the Design Review Committee shall disapprove any plans and specifications, the person or entity submitting such plans and specifications may appeal the matter at the next regular or special meeting of the Board or Directors of the Larkspur Community Association, where a majority vote cast at said meeting shall be required to change the decision of the Design Review Committee.
4. **Plan Changes.** Any changes to the approved plans before, during or after construction of a dwelling must first be submitted to the Design Review Committee for approval.
5. **Design Review Committee and Board of Directors Not Liable.** Neither the Design Review Committee nor the Board of Directors of the Larkspur Community Association shall be liable in damages to any person or firm submitting any plans and specifications for approval or to any owner or owners of lands with LARKSPUR, by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove with regard to such plans and specifications. Any person or entity submitting plans to the Design Review Committee for approval, by so doing does agree and covenant that he or it will not bring any action or suit to recover damages against the Design Review Committee, its members as individuals, or its advisors, employees or agents.
6. **Written Records.** The Design Review Committee shall keep and safeguard for at least five years complete permanent written records of all applications for approval submitted to it (including one set of all plans and specifications so submitted) and of all actions of approval or disapproval and all other actions taken by it under the provisions of this instrument.
7. **Pre-Construction Check.** At least three days prior to commencement of construction the owner shall notify the Committee so that it can make a visual inspection of the Lot to insure that the final building layout and staking is in accordance with the final plan approved by the Committee. Engineering certification of foundations and the securing of a building permit is the responsibility of the Owner and/or Builder. Construction documents (working

drawings and specifications) are to be in accordance with the design approved in the final submittal. Construction shall not commence until all of the above requirements are satisfied. Additional construction, landscaping or other improvements to a Dwelling and/or changes after completion of an approved structure must be submitted to the Committee for approval prior to initiating such changes and/or additions.

8. **Work in Process.** The Design Review Committee may inspect all work in process and give notice of non-compliance. The absence of such inspection and notification during construction does not constitute either approval of the Committee or compliance with the Declaration of Protective Covenants or Design Guidelines.

9. **Completed Work.**

A. Upon completion of any Dwelling or other improvement for which final Approval was given by the Committee, the Owner shall give written notice of completion to the Committee.

B. Within such reasonable time as the Committee may determine, but in no case exceeding ten (10) days from receipt of such written notice of completion from the Owner or its duly authorized representative, the Committee may inspect the improvements. If it is found that all construction is complete and in full compliance with the final plans approved by the Committee, then a written certificate of compliance shall be issued to the owner of the improvements, with a copy retained in the Committee's files. If it is found that such work was not done in strict compliance with the final plan submitted or required to be submitted for its prior approval, it shall notify the Owner in writing of such non-compliance within such period, specifying in reasonably detail the particulars of non-compliance and requiring the Owner to remedy the same.

C. If upon expiration of thirty (30) days from the date of such notification by the Committee, the Owner shall have failed to remedy such non-compliance, the Committee shall notify the Owner, and it may take such action to remove the non-complying improvements as is provided for in the Declaration of Protective Covenants.

D. If after receipt of written notice of completion from the Owner, the Committee fails to notify the Owner of any failure to comply with its directives within the period provided in Paragraph 10(B) above, the improvements shall be deemed to be in accordance with the final plan.

## ARTICLE IV

### PLAN SUBMISSION REQUIREMENTS

1. It is the intent of the Design Review Committee that all the homes in **LARKSPUR** fit within one design theme. However, it is not intended that one plan, elevation option or color scheme be repeated to the extent that it creates an excessively similar appearance of all homes. Therefore, the Design Review Committee in its sole discretion will have the authority to determine which design and color scheme will be used on a specific lot if an excessively similar pattern of design occurs.
2. **Prepared by Professionals**. All site plans, except for landscaping plans, must be prepared and stamped by a qualified licensed architect or civil engineer.
3. **Plan Contents Requirements: Single Family Lots, Multi-Family lots & Recreation Parcel**. The lot owner must submit, as a minimum, the following:

- A. **Site Plans**: Two (2) copies, at a scale of 1 inch equals 20 feet or longer, including:

Name, address and phone number of lot owner, lot identification number for **LARKSPUR**,

North arrow;

Boundaries of lot or lots to be built upon, with indication and labeling of required setback lines as a fine dashed line.

Existing topography as a solid line and proposed topography as a dashed line, with two foot contour intervals, in the area of the proposed structure or structures and extending fifty feet from all sides of the proposed structure, and also, in any area where earthwork is proposed such as along access driveways, fills, and regarded areas;

All significant existing vegetation with notations as to which is proposed to be removed or cut down and which is to be retained;

General features such as large rocks, existing drainage courses;

Outlines of all proposed buildings and structures including decks, porches, patios, walls, building eaves, fences, storage and utility areas, enclosures, hallways, breezeways, sheds, garages, dog runs, pools, paths, walks, steps;

Proposed driveways and parking areas with notation as to grade and surfacing materials.

Proposed location of all underground utility connection lines, including water, sewer, phone, power, and cable television, and drainage culvert (if any.)

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

Proposed exterior lighting fixtures.

Utility easements.

If applicable, site plans must include information showing the lot's existing elevation and detailing the proposed changes in elevation.

There may be geologic concerns with some or all lots. Prospective owners should be aware of possible negative geological conditions and should consult a qualified soils engineer to review these issues pertaining to their lot. For these Lots, a detailed site specific soils and geology report should be provided. The geology and soils report must be prepared by a professional engineer registered in the State of Colorado.

- B. Building Plans.** One (1) reproducible original and three (3) copies, of complete architectural plans and specifications for each building or structure, to include:

Four principal elevation drawings at a scale of 1/8 or 1/4 inch equals one foot with notations indicating materials, textures, and colors of exterior siding, foundation, roofs, fascia boards, corner trim, gutters, doors, windows, and window frames, chimneys, porches, decks, attached accessory structures, and solar equipment;

Floor plans at a scale of 1/8 or 1/4 inch equals one foot in sufficient detail to determine whether minimum square footage requirements are being met;

A specification list identifying all materials proposed for use, including color samples of paints and stains to be used on any exterior surfaces;

- C. Development Timetable.** A statement of planned starting and completion dates for dwelling and landscaping, and utility hookup.

- D. Erosion Control Plan.** A statement of proposed methods of erosion and sedimentation control both during and after construction. It is the intent of the guidelines that adequate protection is provided to adjacent properties and the open space. If required by the Design Review Committee as a condition of construction, prior to any disturbance on the lot, owner shall ensure silt fencing is installed at all property lines where required. Silt fence shall be in place throughout the course of construction and after, as needed to establish revegetation. The requirement for the installation of silt fencing along the sides of the lot may be eliminated if written approval of such is obtained from the

adjoining property owner and submitted to and approved by the Design Review Committee, and/or waived by the design review committee.

- E. **Submission Fee.** The Design Review Committee shall be authorized to charge a reasonable fee for the review of plans and specifications, which fee shall be paid at the time of submission of the plans and specifications. The submission fee shall be used for the administration and enforcement of the plans and specifications review process. Design Review fee shall equal \$0.20/square foot for each single family lot, essential single family lot, and essential multi-family lot and \$0.05 for the recreation parcel. If additional special meetings are necessary, the Design Review Committee reserves the right to charge additional fees to cover the cost of those meetings. Said fee may vary for different building sites depending upon the cost incurred by the Design Review Committee in obtaining adequate professional advice regarding any problems inherent to any particular site being reviewed.
- F. **Other Information.** The Committee may require submission of any other materials or information it deems necessary to enforce the provisions and achieve the purposes of these Design Guidelines.

- 4. **Gunnison County Approval Required – Recreation Tract.** Developers of this tract may be required to obtain a Land Use Change Permit from Gunnison County, Colorado. Brush Creek Holding, LLC, a Colorado limited liability company has previously obtained a Land Use Change Permit for the entirety of LARKSPUR. As a result of said Land Use Change Permit already obtained, the general land use classification, allowable uses and the maximum number of units or gross square footage allowable upon this tract has been specified in the protective covenants of LARKSPUR. After receiving approval from the Design Review Committee, the developer must comply with the requirements of the Gunnison County Land Use Resolution in order to obtain its approval for the final plat of such tract.

## ARTICLE V

### GENERAL RESTRICTIONS

- 1. **General.** The Design Review Committee, in its plans and specifications review process, will specifically review every structure and building proposed to be constructed within LARKSPUR for compliance with these Design Guidelines. The Design Review Committee's goal shall be to encourage variation within an overall theme of interesting architecture using natural materials, colors and textures, shapes suited to solar exposure and high snowfall, and multiple levels to adapt to topography, with site design that maximizes protection of the mountain environment, views, rural quality and privacy. "Box like" appearances are discouraged.
- 2. **Building Siting.** Most building sites in LARKSPUR are relatively flat. The underlying goal of site planning guidelines is for all buildings, structures and site improvements to



be integrated with the natural features of a site. Building form, orientation and massing should respond to natural land forms, drainage patterns, topography, vegetation, views, and sun exposure. Buildings should step rather than rely on extensive site grading. Building forms and roof lines should relate to site contours and surrounding land forms. Exposed building profiles atop ridge lines and harsh angular forms which are in contrast to natural slopes are discouraged. The location and design of buildings should minimize disturbance to existing vegetation on a site. Access should also be considered during the site planning building design process. Extensive cut and fill slopes to accommodate site access are generally not acceptable and should be avoided or minimized by effective site planning. All single family dwellings shall be sided so as to be 'square' to the road easement or as 'square' to lot lines as possible. Compliance with this requirement shall be at the absolute discretion of the Design Review Board.

3. **Set Back Restrictions.** The following set back restrictions shall apply within LARKSPUR:

- A. **Single Family Lots, both Essential and Otherwise** There shall be a 10 foot wide clear zone easement along the entire boundary of each lot or tract. Within said clear zone easement, no improvements of any nature may be constructed, except only landscaping, fencing, sidewalks and driveways. No residential or building structures of any kind may be constructed nearer than 10 feet from that line where a platted road easement encroaches into the lot. The set back for all structures and improvements from all side lot boundaries shall be 10 feet. All rear lot setbacks shall be 15 feet. Rear setbacks for lots S33, S34, S35, S36, S37, S38, S39, S40, S41, S42, S43, S44, S45, and S46 along the lake shall be 20 feet.
- B. **Essential Multi-Family Lots.** No residential or building structure of any kind may be constructed nearer than 10 feet from that line where a platted road easement encroaches into the lot. The setback for all structures from all side lot boundaries shall be 10 feet. All rear lot setbacks shall be 15 feet.
- C. **Recreation Parcel.** No building or structures of any kind may be built on that part of the parcel that is within the platted road easement. This area that is part of the parcel and that lies within the road easement may be used for parking, sidewalks, landscaping, snow storage and driveways. For all structures there shall be a 30 foot setback from all lot lines held in common with either single family lots or open space. There shall be no setback from where the road easement line encroaches into the lot.
- D. **Association Lot.** There shall be a minimum 10 foot setback from all lot lines. There shall be a 10 foot setback from where the road easement line encroaches into the lot.
- E. **Utility Easements.** No permanent structures or buildings of any kind shall be permitted to be constructed upon any utility easements without the written

consent of the Design Review Committee. There is no setback from the easement itself unless specifically addressed above.

4. **Minimum and Maximum Size of Dwelling Units**

**Single Family Lot.** The total gross residential floor area shall not be less than 1,000 square feet and not more than 4000 square feet. Buildings of more than one story shall have a main floor footprint, as determined by the Design Review Committee, including garage, of not less than 800 square feet, excluding decks. Square footage of any basement that is proposed as 'built out' in the original building permit application shall be included in the total square footage. Any basement that is originally proposed as 'unfinished' shall not be included in the total square footage for purposes of the original building permit application.

5. **Garages Required.** All single family structures shall have a minimum of two (2) enclosed attached garages. The measurements of each garage space shall be a minimum of ten (10) feet by twenty (20) feet. It is permissible, at the discretion of the Design Review Board where lot dimensions dictate, to allow these two spaces to lie tandem, with one space in front of the other. All garages must have doors that are covered in wood.

6. **Building Location.** All buildings and structures shall be located within the setbacks on the lot or tract so as to minimize the impact on the natural beauty of the land. Particular attention will be paid to building location, sun direction, orientation and views form adjacent lots and roads during the design review process.

7. **Garage Location.**

A. **Located in the Rear of the Structure.** The garage(s) must be sited in the back half (not street side front half) of any residential structure so as to not be visible from the street directly in front on the following lots: S-2, S-3, S-4, S-5, and S-6. This requirement may be waived in the case of showing good cause and at the sole discretion of the Design Review Committee.

B. **Located on the side or on the Back.** The garage(s) must be sited and located on the side or back (not facing street) of any residential structure on the following lots: S-7, S-8, S-9, S-11, S-13, S-16, This requirement may be waived in the case of showing of good cause and at the sole discretion of the Design Review Board.

8. **Primary Dwelling Unit to be Constructed First.** No garage shall be constructed on any residential lot prior to construction of the primary dwelling unit. Exception: on the Association Lot the garage may be constructed prior to any dwelling unit or office being built.

9. **Scale and Form.** Generally, residential buildings should be based upon a central rectilinear massing with simple forms added to create scale, and to allow for the adaptation to natural land forms. The underlying rectilinear form should have the visual

impression of "growing" out of the site. This impression can be reinforced by a strong, horizontally proportioned massive base.

10. **Continuity of Construction.** All building and structure construction and alteration work shall be pursued diligently. Each primary structure on a single family lot shall be entirely completed within twelve (12) months after commencement of construction.

11. **Repetitive Design and Continuous Wall Restrictions.**

A. Monotony of design shall be avoided. Variations of detail, form and location are appropriate and desired.

B. Building designs with the tendency to be parallel, repetitive or "barracks-like" buildings are discouraged. An offset of at least six (6) feet shall be provided for every forty (40) feet of continuous exterior wall surface, to break up monotonous planes.

12. **Building Height.** Maximum building heights shall be measured from average finished grade on all sides of the building to highest roof point, and are as follows:

A. Single Family Lot                                      Thirty (30) feet.

B. Recreation Parcel                                      Thirty (30) feet.

C. Association Lot    Thirty (30) feet.

D. **Architectural provisions above height limit.** Towers, spires, cupolas, chimneys, flagpoles and similar architectural features not useable as habitable floor area may extend above the height limit a distance of not more than twenty five (25) percent of the height limit.

13. **Exterior Siding.** For all housing units and garages, wood shingles, vertical and horizontal boards with wood corner and trim boards, and stone siding are encouraged. Fascia boards shall have a minimum dimension of 1.5 inches thick by 8 inches wide. Asbestos shingle, vinyl, concrete or cinder block, poured concrete and aluminum or metal exterior siding will not be permitted. At the discretion of the Design Review Board, metal siding may be used as an accent on exterior walls.

14. **Reflective Finishes.** Reflecting or contrasting finishes are not acceptable, and all exposed metals such as facias, flashing, wall and roof vents, metal enclosures, and other items shall be anodized or painted an approved color.

15. **Reflective Glass.** Reflective glass windows are not permitted.

16. **Foundations.** Concrete, foam or block foundation walls may not be exposed above the finished grade.

- 17. Roofs.** Roof massing shall consist of a primary roof and secondary roofs. A primary roof is defined as the main roof structure and all roofs that enclose a two-story structure. Secondary roofs are considered roofs which cover garages, porches or one story living spaces. All Primary roofs shall have a minimum pitch of 10:12. Secondary roofs shall have a roof pitch of 4:12. If the entire building is one story, the roof shall be considered primary. All roofs shall be designed to comply with Gunnison County loading requirements. Primary roofs can consist of fire treated cedar wood shakes, cement and fiber mix roofing, or "ECO SHAKE" type materials. Cement and fiber mix shall have the same texture as wood shakes. Colors shall range from gray to dark brown to black. Secondary roofs may be the same materials as the Primary roof, except that Core 10 metal or pre-patina copper may only be used on secondary roofs that enclose first floor spaces. Roofs with overhangs to deflect rainwater and block summer sun are encouraged. Primary roofs shall have an overhang of no less than 12" and secondary roofs shall have an overhang of no less than 12". Flat roof design and asphalt shingles are not allowed. The Design Review Committee reserves the right to consider other roof materials.
- 18. Chimneys.** No exposed reflective metal cylinder chimneys shall be permitted. Metal chimneys shall be enclosed in a casing of a material compatible with the house siding material in a manner not creating a fire hazard, or anodized in a color compatible with adjacent roofing materials. Chimney material and design shall be selected to withstand high wind conditions and heavy snowfall typical of mountain weather.
- 19. Vents.** All exposed plumbing and other vents and pipes shall be painted an approved color which matches the area nearest the vent or pipe.
- 20. Doors.** Unpainted or primer coat painted metal doors are prohibited. Exterior doors, especially main entry doors, should be designed with great attention to detail in order to create an individual identity for the building. Richly detailed doors are also very characteristic of the design theme. Flush panel exterior doors are not allowed. Doors should be made of wood, glass or metal. Garage doors shall be constructed of wood, or exterior surfaced faced with wood, not metal or other materials.
- 21. Windows.** Exposed metal trim frames and sashes shall be painted an approved color. Unanodized aluminum window frames are prohibited. Mullions, painted or stained the same color as the window itself, are allowed.
- 22. Accessory Structures.** Structures such as garages, porches and greenhouses shall be of similar construction materials and quality as the principal building and shall be attached to the main structure. No outbuildings are allowed. Garages may, at the discretion of the Design Review Board, be connected to the main structure by "breezeways."
- 23. Exterior Lighting.** The address of each building shall be illuminated so as to be visible from the adjacent roadway. All exterior lighting shall be shaded and shall be approved by the Design Review Committee for harmonious development and the prevention of lighting nuisances to other lots in LARKSPUR. Fixtures shall direct light downward.

No exposed of unshaded bulbs are allowed. All floodlights shall be connected to a timer or to a motion detection device. All outside lighting shall comply with these regulations in addition to those of Gunnison County in place at the time the permit is applied for.

24. **Exterior Antennae.** No exterior antennae or satellite dishes shall be allowed except those which meet the following requirements:
  - a. Shall be fixed with maximum 1 meter in diameter or diagonal measurement;
  - b. Color shall blend with building color;
  - c. Location shall be approved by the Design Review Committee.
25. **Housing Numbers.** Each single family dwelling unit shall have a lighted house or unit number visible at night from roadway, conforming to a design and location approved by the Design Review Committee.
26. **Grading.** Grade changes, cut, fill and soil removal shall be minimized in site design. Cut and fill slopes should be no steeper than 4:1 (horizontal to vertical). Cut and fill slopes should have good surface drainage and must be revegetated with native ground covers and terraced or controlled by retaining walls to protect against erosion and sedimentation.
27. **Retaining Walls.** Retaining walls may be constructed of stone or treated landscape timbers. The use of exposed concrete, cinder block and stucco will not be permitted. Retaining walls should be constructed to a maximum of four feet in height. If a taller wall is required, two or more shorter walls should be used, if feasible, with at least six feet horizontal distance between them instead of one tall wall. Weep holes must be provided to release trapped drainage water. Walls over four feet must be engineered.
28. **Solar Access.** Buildings or structures on any lot or tract shall be designed and sited so that they do not substantially diminish access to sunlight for solar energy use on adjoining lots or tracts.
29. **Fences, Walls.** The design and location of fencing and privacy walls shall be submitted and approved by the Design Review Committee prior to installation. Fences and/or walls, if permitted, shall be constructed of natural or cultured stone, stucco, and/or wood materials or faced with natural or cultured stone, stucco and/or wood material.
  - A. **Privacy Fencing and Walls** Subject to the approval of the Design Review Committee as to design, size and location, privacy fencing and/or walls will be permitted to screen a small portion of a yard, or to screen a patio, pool or dog run. Fences or walls of more than six (6) feet in height will not be permitted. Privacy fencing must be in harmony with the exterior design and materials of the residence, and may not obstruct the natural view of adjoining properties.

- B. Perimeter Fencing and Walls** On Lots S 4,5,17,18,19,20,21,22 , 3, 4, 5, 6, 7, 8 “perimeter” fencing or walls will be allowed commencing at the midpoint of the dwelling or further towards the back, out to the lot line, along the side lot line to the back lot line, along the back lot line to the side lot line, up the side lot line until it reaches the same point of the dwelling opposite of where the fence or wall started. If an owner chooses to build a “perimeter” fence or wall then that fence or wall must follow the lot lines and the fence or wall will not be allowed to only fence or wall a portion of the lot lying in back of the house. Fences or walls of more than six (6) feet in height will not be permitted.
- C. Front Fencing** No fencing will be allowed on the front (roadside) portions of the lots. Decorative walls may be approved at the discretion of the Design Review Committee.
- D. Landscape Walls** The developer of LARKSPUR is allowed to install walls that are for the purpose of landscaping, utility screening and entry features. These walls must be of the same material(s) as that specified in paragraph 29 above.
- 30. Awnings.** All awnings shall meet the following criteria:
- A. Frames shall be constructed of wood or metal.
  - B. Cover materials shall be of wood or canvas.
  - C. Color must be appropriate and compatible with the character of the residence and the neighborhood.
- 31. Pools.** Above ground pool structures shall not be allowed. The top surface of any pool must be not more than 12 inches above grade. All pool equipment shall be screened from view of neighboring lots, tracts or roads. All pool equipment shall be located or sound-attenuated in such a manner as to not disturb the occupants of adjacent or nearby properties.
- 32. Hot Tubs.** The Design Review Committee must approve the location and appearance of all outdoor hot tubs. The exterior surface area must be covered with an earth-tone color wood siding. The hot tub shall be covered using a hard cover consisting of a durable foam inner core and plastic covering and finished with an earth tone color.
- 33. Driveways, Parking and Storage.** Each single family residence shall have at least two parking spaces within a fully enclosed garage. In addition, each residence shall have one additional space stacked in front of, or to the side of, the garage. Curb cut, if applicable, on any drive shall not exceed 18 feet. All driveways and parking areas shall be paved with an all weather hard surface such as concrete or asphalt. NOTE: see article IX below.

34. **Recreational Equipment.** Recreational equipment including, but not limited to swing sets, jungle gyms, trampolines, basketball hoops and sports nets must be approved by the Design Review Committee.
35. **Open Space and Ponds.** The open space and ponds within Larkspur are for the use and enjoyment of the residents of Larkspur and their accompanied guests. No destructive, loud or obnoxious behavior will be tolerated.
36. **Fishing Rules.** The Larkspur Community Association will regulate the fishing in the ponds within Larkspur. Fishing is strictly catch and release only. These rules will be updated from time to time.
37. **Pets.** Only normal household pets may be kept within Larkspur. No animals such as horses or other livestock is allowed. If any owner or tenant within Larkspur keeps dogs or cats on their property then the owner of that lot shall be responsible for installing and maintaining in good working order an “invisible” pet restraint system. Prior to installing any driveway, all owners, whether they have pets or not shall install a one (1) inch PVC conduit under the planned driveway at the point where the driveway meets the roadway. It shall be marked on a set of plans that is given to the Community Association office. Pets will NOT be allowed to run at large on any property other than that owned by the pet’s owner. Any pets running at large will be caught and fines will be levied and assessed against the owner’s property. The fines and levies will be reviewed and adjusted from time to time by the Community Association. All pets must have a collar on at all times that contains, in legible form, the owner’s name, address and telephone number.
38. **Lawns.** Each single family home must have a minimum of 350 square feet and a maximum of 500 square feet of lawn. All lawns must be solid sodded as part of the post construction landscape plan. All lawn areas must be watered through an underground automatic sprinkler system.
39. **Sports Equipment Etc.** No sports equipment such as kayaks, bicycles, rafts, boats, snowmobiles, trailers, motorcycles or other similar gear may be stored or hung from decks or stored on any other outside area. Items of this nature shall be stored inside so as to not be visible from the street or adjoining properties.
40. **Flags, Banners.** The only flag allowed within Larkspur shall be that of either the United States or any official state flag. No banners of any type or any peace flags or other flags of similar nature will be allowed. The Design Review Committee, upon written approval, may make exceptions for special events or otherwise.
41. **Signs.** No signs of any type other than residence identification numbers shall be allowed within Larkspur. The developer of Larkspur and/or its affiliates and designees will, for a period of 4 years from final plat approval, be allowed to use and place any sign it desires, anywhere within Larkspur. During the construction period, temporary signs identifying the name and telephone number of the construction company and lot number are allowed.

42. **Fireplaces.** No open fireplaces or fires either indoor or outdoor are allowed in Larkspur. Solid fuel burning devices as approved by Gunnison County will be allowed if it is determined by the Design Review Committee that operation and approval with such devices will not adversely affect any neighboring properties. Chimineas and barbecues are specifically allowed provided they are not placed on or near flammable materials.
43. **Storage.** No portion of any lot shall be used for storage of any materials of any kind.

## ARTICLE VI

### CONSTRUCTION REGULATIONS

1. **Construction.** The following restrictions apply to the construction of all buildings and structures within LARKSPUR:

A. **Construction Trailers, Portable Field Offices and Signs.** Owners or contractors who desire to temporarily set a construction trailer, field office or contractor sign on a construction site must first obtain written approval from the Design Review Committee. The Design Review Committee will designate a specific location and a maximum period of use.

B. **Storage or Materials and Equipment.** Owners or contractors are permitted to store construction materials and equipment on an approved construction site only during the construction period. All equipment and materials shall be neatly stored or stacked, properly covered and secured. Owners or contractors will not disturb, damage, trespass or store materials or equipment on other lots, tracts, roadway, or other easements.

C. **Debris and Trash Removal.** Owners and contractors shall clean up all trash and debris on the construction site. Trash and debris shall be removed from the site at least once a week to the nearest solid waste disposal site or other location approved by Gunnison County. All persons are prohibited from dumping, burying or burning trash anywhere in LARKSPUR.

D. **Sanitary Facilities.** Each owner or contractor shall be responsible for providing adequate sanitary facilities on site for all construction workers and subcontractors.

E. **Parking Areas.** Construction crews or other construction personnel may park on only one side of the road adjacent to the construction site or use other lots or tracts, pre-approved in writing by the Design Review Committee, for parking purposes during construction.

F. **Excavated Materials.** Excess excavated materials shall be hauled from LARKSPUR, or placed in areas approved by the Design Review Committee.

G. **Damaged Property.** Damage to or scarring of other properties, including but not limited to other lots or tracts, roads, driveways or other improvements is not permitted. If damage occurs, it will be repaired promptly by the person or persons responsible.



H. **Blasting**. If any blasting is to occur, the Design Review Committee shall approve and then be informed in writing forty-eight hours in advance to allow it to make such investigation as it deems appropriate to confirm that adequate protective measures have been taken prior to blasting.

J. **Conduct and Behavior**. All property owners in LARKSPUR shall be responsible for the conduct and behavior of their representatives, builders, contractors and subcontractors.

K. **Stop Work Authority**. The Design Review Committee shall at all times have the authority to stop all work on any construction site within LARKSPUR. Contractors or contractors' personnel violating any of the provisions of this instrument or the Declaration of Protective Covenants shall be just cause for stopping all work. A stop work order will be issued directly to the lot or tract owner in writing and posted at the work site.

L. **Housing**. No construction worker or lot or tract owner shall set up a temporary residence on any construction site in a trailer, motor home, or tent. All construction workers must be housed in permanent housing within or outside LARKSPUR.

M. **Pets**. Dogs and other pets owned by contractors or construction workers shall be prohibited from construction sites.

N. **Hours of Construction**. Construction is permitted from 7am-6pm Monday through Saturday and work is not permitted on Sunday or official holidays.

O. **Music**. Construction workers and/or crews may only play music at a level that does not interfere with neighboring properties. The determination of acceptable levels is in the sole discretion of the Design Review Board or its designated representatives.

## ARTICLE VII

### LANDSCAPING AND SCREENING

1. **General**. It is the intent of this article to improve the natural appearance of LARKSPUR, and to maintain such appearance and maximize the seclusion of each home site from other homesites, insofar as possible. Landscaping is encouraged but the types and treatment of plant materials are subject to approval of the Design Review Committee. The intent is to reinforce the natural setting through well designed use of existing grade and drainage and drought tolerant native plant materials.

2. **Clearing of Trees and Vegetation**. No brush growing on any residential lot or other tract or parcel shall be felled or trimmed nor shall any natural areas be cleared or formal lawn areas planted or landscaping performed on any residential tract without the prior written approval of the Design Review Committee. Any brush cleared from any lot or tract shall be

disposed of by the owner of said lot or tract in such a way that all lots, whether vacant or built upon, shall be kept free of accumulations of cut brush, logs or other materials that may constitute a fire or insect infestation hazard or render a lot unsightly. If the owner of a lot or tract violates this section, the Board of Directors of LARKSPUR Community Association may levy a fine against the owner in an amount up to \$1,000.00 and/or may order the owner to restore the lot or tract to its previous condition as it existed before the violation. If the owner fails to pay such fine and/or restore the lot or tract, the Board of Directors may levy a Non-Compliance Assessment in the amount of the fine, plus the cost of restoration, plus attorneys' fees and interest, and a written notice of assessment lien may be signed and recorded in accordance with the provisions of the Declaration of Protective Covenants of LARKSPUR.

**3. Conservation of Landscape Material.** Owners and contractors are apprised of the fact that lots and tracts contain fragile native plants and other landscape materials that should be salvaged before and during construction, such as topsoil, rock outcroppings and native shrubs, grasses and trees. Materials that cannot be removed must be marked by flagging and protected by barriers, fencing or screening.

**4. Landscaping Required.** The landscaping of lots and tracts within LARKSPUR is required and must be completed in conjunction with the construction of buildings and other structures by the end of growing season following substantial completion of the building. In accordance with the "Plan Submission Requirements" set forth herein, all proposed landscaping must be shown on the "Site Plan" or "Tract Development Plan" submitted to the Design Review Committee for review and approval, and the landscape performance guarantee must be posted as a condition of plan approval. Required landscaping is as follows:

**A. Trees.** All single family lots, essential single family and essential multi-family housing lots shall landscape as follows:

1. Not less than 200 vertical feet of deciduous and/or conifers will be planted per lot. Of this 200', there must be three (3) conifers, each a minimum of 8' planted height. If multi trunk trees are used then only the tallest trunk of the grouping may be counted for this section. All trees must be watered through use of an automatic watering drip system.

**B. Grass.**

1. All residences must have a minimum of 350 square feet and a maximum of 500 square feet of grass per lot. All lawns must be planted at the time of construction clean up (weather permitting) using solid sod. All sodded areas must be watered through use of an automatic irrigation system.

2. All other areas distributed during the construction process will be reseeded with a natural low growing grass seed.

- C. **Recreation and Maintenance Parcels.** The developers must provide the Design Review Committee with a landscape plan in conjunction with proposed building plans. While there are no exact landscaping requirements for this parcel, it is expected to have a minimum of 500 vertical feet of trees. The Design Review Board reserves the right to modify this amount.

5. **Screening.** Electric meters, garbage and rubbish areas, clotheslines, air conditioning equipment, pool filters, dog runs, and any other improvements where the Design Review Committee deems necessary shall be screened or enclosed from view from public roads, other lots and tracts. Screening enclosures or fences shall be of materials and colors which conform with this instrument and are harmonious with the primary buildings or structures on the lot or tract. If plantings are used for screening, they shall be of species equally effective in winter or summer. Roof equipment such as ducts, vents, ventilators, or chimneys shall be anodized, painted, or screened in an acceptable manner.

## ARTICLE VIII

### DRAINAGE

1. **General.** There are several minor drainage ways that work their way across LARKSPUR. Detailed drainage analysis must be utilized in planning for drainage on individual tracts or lots. Local storm drainage must be provided for in the design of proposed improvements on any lot or tract within LARKSPUR.

In the design of storm drainage improvements for any tract with LARKSPUR, every effort should be made to utilize existing ditches and water courses, and to prevent soil erosion. The plans and specifications for any tract will not be approved by the Design Review Committee until adequate provision for storm drainage has been made. Any plans and specifications containing inadequate provision for storm drainage will be disapproved by the Design Review Committee.

## ARTICLE IX

### DRIVEWAYS AND PARKING AREAS

1. **Single Family, Essential Multi-Family, and Essential Single Family Lots.** Access to primary dwelling units on single family lots shall be by driveways that allow easy access to the road system. When driveways are considered during the design review process, the following factors will be taken into consideration.

A. Good visibility and sight distance should be obtained along the roadway together with an intersection as close as 90 degrees as possible.

B. Where practical, gradients should be not greater than 4% along the driveway and no greater than 2% within 20 feet of the roadway shoulder.

C. All driveways including that portion in the public road easement shall be paved in asphalt or concrete at the lot owner's expense at a minimum 12 foot width for all single family residential lots and a minimum of 20 feet width for multi family lots. All driveways must be completed prior to the refunding of escrowed moneys for landscape construction and within 10 months of residential completion.

D. Paving of driveway (whether new construction or existing construction) shall be the sole expense of the lot owner or lot developer

E. Prior to installing any driveway the owner shall install a one (1) inch conduit under the planned driveway at the point where it meets the road. (See paragraph 37, page 18 above.)

2. **Driveways.** Lots S-1, S-10, and EM-3 must access from curved portions of the cul-de-sac and not adjoining roads.

3. **Common/Shared Driveways** Adjacent lots may share a common driveway such as agreed to by owners of both lots through an easement stating such that is recorded prior to the time of granting a building permit for either structure. Once a common driveway easement is granted and recorded it must be used for access to both structures and both lots.

## ARTICLE X

### **POWER, PHONE, NATURAL GAS AND CABLE TELEVISION**

Individual lot, tract or parcel owners are responsible for providing for the extension of private utilities to buildings or structures. Extensions should be provided for through the appropriate private utility company and their contractors. All extensions must conform completely with the rules and regulations of the private utility companies. All power, telephone, natural gas and cable television cables must be installed underground in all areas throughout LARKSPUR. Overhead lines or wires, poles or any other aboveground appurtenances, except typical junction boxes, are strictly forbidden within LARKSPUR.