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Pikes Peak Mountain Estates Design Guide

PART I – INTRODUCTION

PART I – INTRODUCTION

This Design Guide has been prepared to communicate our objective for appropriate home construction within the Pikes Peak Mountain Estates community. It establishes the framework for these objectives and describes the necessary steps for architectural review and approval. This Design Guide for Pikes Peak Mountain Estates gives direction to the Builders and Homeowners in preparing plans that will implement appropriate land use practices, promote design excellence, and make improvements that enhance the appearance of this quality neighborhood.

Administration of the Design Guide

In order to maximize aesthetic benefits to the neighborhood, all proposed exterior home and site improvements shall be evaluated by the Architectural Control Committee (ACC) using this Design Guide. The ACC evaluation shall attempt to ensure that all proposed improvements of any Builder or Homeowner meet or exceed the requirements of this Design Guide and to promote a quality design for this neighborhood. This Design Guide is intended to aid the Builder and Homeowner in meeting these standards.

The Declaration will control if there are any discrepancies between this Design Guide and the Declaration. Copies of the Declaration and current Design Guide are available from _____.

Revisions to Design Guide / Other Important Documents

The ACC reserves the right to revise this Design Guide from time to time as changing conditions and priorities dictate as further explained in the Declaration. The first adoption date of these Design Guidelines shall be _____. (PLEASE CONFIRM WITH YOUR SALES AGENT OR BUILDER THAT THIS IS THE CURRENT DESIGN GUIDE.)

In addition to the Declaration and this Design Guide, the following documents govern the use of land at Pikes Peak Mountain Estates, and should be reviewed in their entirety by all Builders and Homeowners prior to commencement of the building process:

1. Pikes Peak Mountain Estates PUD Plan, Development Plan
2. Pikes Peak Mountain Estates Final Plat
3. Supplementary Declaration of Conditions, Covenants, Restrictions, and Easements, if any.

Pikes Peak Mountain Estates Design Guide

PART II – DESIGNING YOUR HOME SITE

PART II – DESIGNING YOUR HOME SITE

Building Setbacks / Dwelling Area Guidelines

Minimum Setback Requirements

- Front setbacks are required from all streets for all structures. The minimum front yard setback, measured from the property line, shall be 25 feet.
- Side setbacks are required to be a minimum of 25 feet.
- Rear setbacks are required to be a minimum of 25 feet.
- Corner lots are lots with more than one lot line that abuts a street. The setback from the lot line(s) from which no driveway access is taken shall be a minimum of 50 feet.
- Minimum setback from Chipita Park Road shall be 75 feet.
- Please refer to the Pike Peak Mountain Estates PUD Development Plan as approved by the Board of County Commissioners of El Paso County, as well as any subsequent amendment or Final Plats for specific building setbacks, easements and special areas.
- The ACC shall have the ability to require additional setbacks, or in the case of unusual topographic features, allow encroachment into setbacks, except those that conflict with the Development Guide.

Dwelling Area Guidelines

The minimum size of the dwelling is not the only criteria used by the ACC in the approval process. The ACC shall have wide discretion based on architectural styling and visibility of the home; i.e. a smaller home in the trees with extensive architectural features may be approved. A home that meets the size minimum but is in a more visible location may be rejected.

- Single story homes shall generally be larger than 1,800 square feet finished living area above grade.
- Two story homes shall generally be larger than 2,200 square feet finished living area above grade.
- All homes shall have a minimum of a two car garage.

Maximum Building Height

A building height and profile for homes should be in scale with the surrounding structures and topography. The maximum height of a home is 30 feet as measured according to El Paso County Land Development Code.

Buildable Area of Site

Homes shall not be built on slopes of 30° or greater. A registered professional engineer shall certify this before a building permit can be issued.

Pikes Peak Mountain Estates Design Guide

PART III – SITE IMPROVEMENTS

PART III – SITE IMPROVEMENTS

Accessory Buildings

Conditions of your site may, in some cases, provide the opportunity of constructing a detached structure. The design and location of this structure in relationship to the house is essential. When physical connection in the form of a covered walk occurs, it must be an integrated part of the design.

All Accessory Structures and other Improvements as described in the Declaration require ACC approval. In addition, all Accessory Structures, such as storage sheds, detached garages and gazebos, shall adhere to the standards of the Development Plan and shall be compatible with the main structure. Requests for approval for Accessory Structures will be reviewed on a case-by-case basis, taking into consideration the lot size, square footage of the home and proposed location and function of the Accessory Structure. Gazebos must be an integral part of the landscape plan. No carports, temporary sheds or above ground storage tanks will be allowed.

Driveways / Culverts

Access driveways should generally follow the natural contours of the site, around and between existing tree and rock outcrops. Long straight runs should be avoided and a roadbed cut into a slope is preferable to fill. All driveways are to be concrete or asphalt and provided with a backup area to permit driving forward into the street. Circular drives may also be used when approved by the ACC.

All driveway culvert sizes shall be shown on the plot plan and designed by a professional engineer. If a lot is at the high point of the street it may not need a culvert depending on where the driveway enters the lot.

Grading, Drainage and Erosion Control

It is important to preserve the natural existing topography and maintain the natural drainage ways. Any minor drainage swales or washes interrupted by site improvements shall be reconstructed, preferably of natural materials properly placed for positive operation of the drainage system. Natural appearing drainage ways using native materials such as rock to line swales is a preferred method. Major drainage ways as shown on the Approved Development Plan shall not be interrupted.

Where grading is necessary, cut and fill slopes should be kept to a maximum of 1.5:1 for cuts and 2.5:1 for fills. Retaining walls require ACC approval and should be utilized where slopes would exceed 1.5:1 for cuts and 2.5:1 for fill areas. No grading shall

extend beyond existing property lines of the home site without expressed written permission of the ACC and adjacent property owner.

Surface drainage upon and across any lot must be addressed through the implementation of sound construction and grading practices. Existing points of entry and exit to and from a lot by historic surface drainage must be respected. Any improvement, which creates an obstruction to surface flows resulting in a backup of water onto a neighboring lot or tract, is strictly prohibited. Please refer to the final plat for any drainage easements that may affect your lot. All lots will require that the drainage and grading are to be reviewed, approved and sealed by a professional engineer in the state of Colorado before a building permit will be issued. It is the responsibility of the Builder and Homeowner to insure that proper drainage around the home is provided for and maintained. When installing landscaping, it is very important to insure water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks and driveways. Water should fully flow over walkways and driveways.

During all site construction, techniques for controlling erosion within the home site and onto other sites shall be mandatory. Techniques include the use of sedimentation basins, filtration materials such as straw bales or permeable geo-textiles and slope stabilization fabrics and tackifiers.

Landscaping and Vegetation

Landscaping plans must be submitted and approved by the ACC prior to installation. Homeowners shall be responsible for installation of landscaping on their lot within six months following occupancy of their home, weather permitting.

All natural surface areas disturbed by construction shall be replanted pursuant to a landscape plan acceptable to the ACC.

Living trees, the trunk of which is 5 inches in caliper or more, shall not be removed, except as may be approved by the ACC, if considered necessary for construction of a building. The relocation of moderate sized trees is encouraged and may be required.

Landscaping should reflect the natural landscape that exists in Pikes Peak Mountain Estates. Added materials are to be planted in informal groupings to blend with the native. Ponderosa pine is suggested in areas without mature trees. Some heavily wooded sites may require little or no tree planting. The use of boulders and rocks is encouraged.

The Lots shall be maintained in their natural state as nearly as possible, except that a reasonably sized lawn and/or garden, not to exceed 1500 square feet, in the aggregate, may be planted adjacent to the primary residential structure.

Native grasses, wildflowers, shrubs and trees require minimal watering. These plants have adjusted to the long history of an arid climate. If plants are used that require regular, daily, automatic watering the subsoil conditions can be adversely affected. When moisture goes deep into the soil, it may cause changes in the composition of the sub-soil and could affect the structural stability of the area around the home. These conditions vary throughout Pikes Peak Mountain Estates and only professional soils analysis can verify the condition at any given location. This precaution does not preclude intervals of moderate watering. Watering is important, particularly through the first year for new trees and during long dry periods.

Fire Safety and Forest Management

Some precautions are necessary for fire safety in Pikes Peak Mountain Estates. Specific exterior construction materials and landscaping maintenance are the basic elements. The following is a summary of the current requirements for improvements within Pikes Peak Mountain Estates.

- All Dwelling Units shall have a thirty (30) foot safety zone or primary fuel break in all directions. All brush within ten (10) feet of the Dwelling Unit shall be removed and replaced with a combination of irrigated green belt and bedding areas. All large trees within the thirty (30) foot safety zone shall be thinned to eliminate overlapping crowns. Trees within two tree heights of the Dwelling Unit shall be pruned of all dead limbs, and the owners shall prune live branches to ten (10) feet from at least half of the trees within the thirty (30) foot safety zone.
- All chimneys shall be equipped with a mesh spark arrestor and inspected and cleaned on a regular basis.
- Masonry patios and/or one hour fire rated decks shall be encouraged.
- All driveways shall be readily identifiable and maintained unobstructive at all times.
- All house addresses shall be clearly visible from the street by means of a sign post as described in Exhibit A and placed near the entrance to each driveway.
- All homes shall be equipped with smoke detectors and a minimum of a 2.5 pound fire extinguisher maintained in accordance with manufacturer's recommendations.

Pikes Peak Mountain Estates Design Guide

PART IV – MATERIALS AND FINISHES

PART IV - MATERIALS AND FINISHES

In keeping with the goals of Pikes Peak Mountain Estates, design in harmony with nature should be considered in material, finish and color selection. Natural materials such as stone and wood work well with the surroundings. Man-made materials, subject to review and approval, are also appropriate. The intention is to not eliminate contrasting color, but its use should be limited and in muted tones. The natural colors of stone or wood coordinated with brick and selective complimentary paint or stucco colors are encouraged. These materials, in tastefully selected combinations, are the goals for the development of Pikes Peak Mountain Estates. The ACC must review and approve all colors and material samples prior to beginning construction.

Architectural Detailing

In order to add definition and break up flat planes of walls the use of architectural elements to create shadow lines shall be incorporated in the design of the home. Architectural elements to accomplish this definition include recessed windows, deep eaves and offset wall planes, window shutters, well proportioned porches, etc. The ACC has wide discretion regarding the comments on the architectural detailing of the proposed homes and will vary based on visibility from streets and common areas.

Roofing

Roofing material may be varied, but the goal is to use earth tones and appealing textures. The roof may be the most prominent feature of your home. In addition to material, the roof edge detailing is important. Careful selection of color and texture of natural or man-made material is critical. Acceptable materials include clay tile, slate, concrete tile and 40 year architectural asphalt. Other products, including some metal roofs, may be acceptable subject to review and approval. Wood shingles of any kind are strictly prohibited.

The roof form is the most prominent visual element of a home and central to define its architectural character. Therefore, the form and materials used to create a buildings roof will be carefully reviewed by the ACC. Styles such as gable, hip and shed roofs will generally be acceptable for residential construction, while mansard, flat and A-frame roofs are strongly discouraged. Care must be given when combining roof forms to maintain the integrity of the architectural forms. Well-detailed fascia and eave treatments serve to frame the roof as a strong design element. Roofing materials must be considered with respect to harmony of color and texture with other materials on the home and adjacent properties.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. must be carefully located and finished to complement other elements of the design.

Unfinished and exposed metal detailing will not be allowed if visually prominent. If possible, flues and vents should be located out of view of the front of the home. Flues and vents will need to be painted to coordinate with the roof color.

Roof Replacement / Rooftop Equipment

ACC approval is required if material or color is changed. Roofing color should be complementary to other colors on the home. Rooftop equipment must be approved and painted a color similar or complementary to the exterior of the home and installed to minimize the visibility of the equipment on the roof.

Exterior Materials

All homes will use masonry, stucco, stone (or a combination of stucco and stone) or logs. The use of heavy timber incorporated into rooflines is encouraged. Masonry and stone are not to be used for arbitrary decorative thin panels to accent an entry or as "spotty" ornamentation, but rather as an integral element of the design. Stone used in conjunction with stucco or wood can be very effective. Masonry or stone may also be used in landscaping or in specific features of the site. Items will be reviewed as a part of the over-all design by the ACC. The use of wood siding shall be allowed, but such use shall be closely reviewed by the ACC for desirable elements of design. Masonite type or clad plywood siding is strictly prohibited.

Decks and Terraces

Outdoor living is one of the advantages of a home in Pikes Peak Mountain Estates. Decks and terraces should be designed as an extension of the home design and must be an integral part of the landscape architectural design. The type of railing and the supporting columns are the most prominent features. Deck supports should be made of the same materials used in the construction of the home. Use natural materials such as stonewalls to build up terraces and soften the appearance of ground areas at deck supports. The ACC, in its discretion, may impose size and material regulations with respect to deck columns and supports, based on visibility, with an 8" x 8" minimum dimension.

Exterior Lighting

ACC approval is required to change or add any exterior lighting. In reviewing lighting requests, the ACC will consider the visibility, style, brightness, location and quantity of the light fixtures. Flood lighting or security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties. Unless otherwise

approved by the ACC any lighting at the street shall be a maximum combination of 50 watts per fixture or shall have the bulbs shielded from direct view.

Fences

The preservation of the natural environment of Pikes Peak Mountain Estates would best be realized if no fences were built. We understand, however, that there may be a functional necessity to enclose areas. Fences should be a part of the home and development design with materials and configuration that compliment the whole. Fence design must receive the same review as the home design and be approved as part of the submittal and review process. The following restrictions shall apply and must be complied with:

- **Yard Fencing:** To allow for a more open, spacious feeling for the neighborhood, perimeter lot fences are prohibited except for developer installed perimeter fencing.

- **Dog Run Fencing:** The ACC encourages the use of underground invisible dog run fences to promote the open character of the neighborhood. The ACC may allow above ground dog run fencing on a case-by-case basis. The location and size of the dog run will be determined with consideration given its impact on adjacent properties and streets. Generally, dog run areas should not exceed 500 square feet in size and fence height should not exceed 5 feet. The dog run fencing should be located immediately adjacent to the home and be compatible with the home in material and color. Chain-link fencing shall not be permitted. Dog runs must be well screened with landscaping from neighboring properties and streets

- **Privacy Fencing:** The ACC may allow solid privacy fencing surrounding or shielding patios and decks on a case-by-case basis. The location and size of the privacy fence will be determined with consideration given its impact on adjacent properties and streets. The privacy fence should not exceed 5' in height (unless approved by the ACC and should be compatible with the home in material and color. Privacy fencing along property lines will not be allowed.

Retaining Walls

Retaining walls may be used to accommodate or create changes in grade. Walls must be properly anchored to withstand overturning forces and should incorporate weep holes into the wall design to permit water to be released behind them. Walls should not exceed four feet in height and should be located so as to not alter existing drainage patterns.

Hot Tubs

Hot tubs should be designed as an integral part of the deck or patio area and must be located in the side or rear yard area with appropriate screening from adjacent neighboring properties and streets.

Swimming Pools

Requests for swimming pools will be reviewed on a case-by-case basis by the ACC with consideration given to, but not necessarily limited to, the size of the yard area, setback from impact on neighboring properties and size of pool enclosure.

Playground and Sports Equipment

Play equipment should typically be located in rear yard areas and set back as to not visually impact the primary structure. Consideration shall be given in the location of play equipment so as not to create an undue disturbance on neighboring properties. Play equipment shall be of predominantly muted, earth tone colors and shall not exceed eight (8) feet in height unless otherwise approved by the ACC. Play equipment or items used for front yard play should be stored out of view when not in use. Playhouses larger than 30 square feet or over six feet in height shall be considered an accessory building. Basketball backboards must either be attached to the home or on a separate support minimizing visual impact. In either case, the color, size and location of the backboard and supports must be approved by the ACC prior to installation.

Solar Equipment / Skylights

All solar equipment and skylights shall also be incorporated into the structure and building mass and be architecturally compatible with the residence.

Satellite Dishes / Antennae

One satellite dish/antennae may be installed on a residential lot subject to the following conditions:

1. The satellite dish/antennae is one meter or less in diameter.
2. To the extent feasible, the satellite dish/antennae should be placed in the rear or side yard of home in such manner that it is screened from adjacent street(s) and neighboring properties.

3. The satellite dish/antennae should be installed at the lowest possible placement (unless a signal is unattainable).
4. The dish/antennae may require paint to match the surrounding environment or be screened with a reasonable amount of plantings to minimize its visual impact to surrounding areas.

Signs / Address Numbers / Mailboxes

One temporary sign advertising property for sale or lease which is no more than four feet in height and no more than eighteen inches (18") by twenty-four inches (24") in dimension, and which is conservative in color and style may be installed on the lot without ACC approval. All trade signs, which include, but are not limited to, landscaping, painting, remodeling, etc., may only be displayed while work is in progress and must be removed upon completion of the job. All other signs, including address numbers, nameplate signs, will be approved by the ACC. Mailbox cluster box locations will have a pre-determined design that the Developer will provide and install.

Driveway Monumentation

Any driveway monuments, light columns, address poles, etc. will need ACC approval.

Painting / Repainting

ACC approval is required prior to any exterior painting or repainting of the home and accessory buildings. The submittal must contain the manufacturer's paint chips with name and code number. Approval will take into consideration, but not be limited to, the color tone and brightness, the home's architecture, stone or brick accents, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties. Downspouts should be painted to match the body color of the home. Generally, garage doors should be painted a muted color and blend with other colors of the home.

Wood Storage

Wood must be located in rear yard, must not be visible to the street, and be neatly stacked. ACC approval is not required for the storage of wood.

Yard Ornaments

Yard ornaments, including but not limited to, birdbaths, birdhouses, fountains, sculptures, statues, flags and banners, etc. require ACC approval. Location of yard ornaments in the front yard is discouraged.

Vegetable Gardens

Vegetable gardens must be located in the rear or side areas of the home site so that both the garden and its accessory operating areas are substantially screened from view of adjacent homes and public areas. Tall plants, such as corn and sunflowers, must be completely screened from view.

Landscape Maintenance

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plant material, elimination of weeds and undesirable grasses, and removal of trash.

Pikes Peak Mountain Estates Design Guide

PART V – DESIGN REVIEW PROCEDURES

PART V – DESIGN REVIEW PROCEDURES

All Builders, Homeowners, contractors, subcontractors and/or their designated representatives shall comply with the following Design Review Procedures in order to gain approval for any improvement to property within Pikes Peak Mountain Estates. All construction that is to be undertaken in these neighborhoods, with the exception of improvements made by the Declarant, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements, including but not limited to, walks, driveways, drainage, fencing, lighting, statuary, landscape planting or other exterior improvements is subject to review under this Design Guide. Drawings or plans for a proposed improvement must be submitted to the ACC and the written approval of the ACC obtained before the improvements commence.

Architectural Plan Review

For new building construction or major improvements, such as room additions, remodels, structural changes or accessory building construction, the Builder or Homeowner shall submit to the ACC one set of construction documents to include the following:

1. Site plan of the lot, at a scale of 1"=10'0" or 1"=20'0", including:
 - a. Lot lines and dimensions, building setbacks, street right-of-way, easements and preservation areas.
 - b. Existing and proposed contour lines at 2' intervals extending to all property lines, existing or proposed street elevations, finish grade at building corners, drainage swales and "no build area" due to steep slopes.
 - c. Building footprint, main finish floor and garage slab elevations.
 - d. Culvert size and type of end treatment; i.e. headwalls or flared end sections.
 - e. Walks, driveways, decks, accessory structures, entry monuments, privacy fencing, retaining walls with top and bottom of wall elevations.
 - f. Fencing style, type and location if home site has horse privileges
 - g. All tree locations shall be on site plan.
 - h. Size and Location of septic tank and leach field.

2. One set of Architectural Plans, at a scale of $\frac{1}{4}$ " or $\frac{3}{16}$ " = 1'0", including:
 - a. Architectural elevations (front, sides and rear).
 - b. Floor plans, including square footage for each floor.
 - c. Roof plans, indicating pitches, ridges, valleys and location of mounted equipment.
 - d. Indication of all proposed exterior materials.
 - e. Exterior details, including items such as chimneys, exterior stairs and decks, railings and deck supports.
3. Any other proposed improvements (i.e. decks, awnings, hot tubs, entry monuments, etc.).
4. Exterior colors, materials and finishes, including:
 - a. Schedule of all finished exterior materials and colors, including siding/downspouts, fascia/gutters, roofing, garage doors, masonry product, front door and all trim.
 - b. Samples of materials of appropriate size may be required at the discretion of the ACC.

Landscape Plan and Other Site Improvements Review

Approval shall be obtained prior to installation of any landscaping or any other site improvements including, but not limited to, dog runs, play equipment, fencing, deck or patio additions, site lighting, etc. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, landscape architect, or draftsman, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the ACC. The following guidelines should be utilized in preparing drawings or plans:

1. The drawing or plan should be done at a scale of 1"=10' or 1"=20' and should depict the property lines of your lot and the "footprint" of the home as located on the lot. Existing improvements, in addition to your home, should be shown on the drawing and identified. Such existing improvements include accessory buildings, driveways, walkways, decks, trees, shrubs, etc.

2. All proposed plant locations, types, quantities and sizes, location of turf and other ground cover materials should be shown on the plan and labeled. The plan should exhibit grading and layout of all additional landscape improvements such as berms, walks and structures not covered under the Architectural Plan Review.
3. Total square feet of irrigated area.
4. Plans for any other site improvements, such as play-sports equipment, dog runs, hot tubs, trellises, retaining walls, fencing, lighting, gazebos, etc. should be shown on the plan with a description of the proposed improvement, including the materials and colors to be used. In the case of structural improvements (trellises, gazebos, fencing, etc.), an elevation drawn to scale of the proposed improvement is required.
5. Due to the terrain and the community's desire to maximize the retention of natural features and protect the environment, plot plans must be reviewed and approved by a registered professional engineer for proper on-site drainage which might be affected by home and/or driveway construction and at proposed access points for the need and sizing of roadside culverts, including necessary modifications to the adjacent roadside ditch line. Following construction completion the engineer must certify to the County that the Builder has complied with the approved plan.
6. Tree thinning and wildfire mitigation shall occur prior to Building Department Authorization of building permits.

Revisions and Additions to Approved Plans

Any revisions and/or additions to the approved Architectural or Landscape Plans made by either the Builder, Homeowner, or as required by El Paso County, must be resubmitted for approval by the ACC. The revised plans must follow the requirements outlined above. The ACC will then review the plans and provide a written response no later than 30 days after the submittal.

Fees

The Site Plan review fee is \$100.00. This fee will cover the initial and second review. Subsequent reviews will cost \$150.00 for each review. Fees shall be paid at the time request for approval is submitted.

The Building Plan review fees is \$150.00. This fee will cover the initial and second review. Subsequent reviews will cost \$200.00 for each review. Fees shall be paid at the time the request for approval is submitted.

The Landscape Plan review fee is \$100.00. This fee will cover the initial and second review. Subsequent reviews will cost \$150.00 for each review. Fees shall be paid at the time request for approval is submitted.

Action by ACC

The ACC will meet regularly to review all plans submitted for approval. The ACC may require submission of additional material and may postpone action until all required materials have been submitted. The ACC will contact you, in writing or by phone, if the ACC feels additional materials are necessary or if it needs additional information or has any suggestions for change. The ACC will act on the plans within 30 days after receipt of all materials required by the ACC (unless the time is extended by mutual agreement). A written response of the decision of the ACC will be sent by mail within five(5) days of the ACC decision. The ACC may extend the time frame up to an additional 20 days upon notification of the applicant.

Certification of Accuracy

The ACC, at its sole discretion, may require the Builder to provide a Certificate of Accuracy from a registered licensed Surveyor (hired by the Builder) attesting to the accuracy of the following:

1. The building foundation is located as approved by the ACC in the final approved plans.
2. The building foundation elevation is as approved by the ACC in the final approved plans.

The certificate must be in the form of an improvement survey showing dimensions of foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of top of foundation walls. Points at which elevations are taken must be clearly identified and correlate with location of top of foundation as shown on the final approved plans.

Review of Work in Progress

As provided in the Declaration, the ACC shall have primary authority to enforce the provisions of this Design Guide. The ACC may review all work in progress to the extent required to ensure that the construction or work complies with any and all approved plans and construction procedures. Absence of such reviews or notification during the construction period does not constitute either approval by the ACC of work in progress or compliance with this Design Guide or the Declaration. The ACC may withdraw

approval of any project and require all activity at such project to be stopped, if deviations from the approved plan or approved construction practices are not corrected or reconciled within ten (10) days after written notification of the Builder or Homeowner specifying such deviations, or such longer period as the ACC may specify. Any ACC visits are in addition to standard inspections required by other jurisdictions throughout the construction process.

Effect of Governmental and Other Regulations

Approval of plans by the ACC shall not be deemed to constitute compliance with the requirements of any local, zoning, safety, health or fire codes, and it shall be the responsibility of the Builder or Homeowner or duly authorized representative submitting plans to assure such compliance. Nor shall approval waive any requirements on the part of the Builder or Homeowner or his representative to comply with setback, height restrictions, or other requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the ACC and local jurisdictions, where applicable.

Period of Plan Validation

Final approval of plans is valid for twelve (12) months unless otherwise agreed to by the ACC and the Builder or Homeowner in writing. Construction must begin within this period. If not, plans must be resubmitted for review by the ACC.

Variations

Approval of any proposed plans is within the sole discretion of the ACC, which shall have the authority to grant variances from compliance with any of the provisions of this Design Guide when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental consideration may require. Such variances must be evidenced in writing and signed by a majority of the members of the ACC. Any Owner seeking a variance from El Paso County must have first obtained ACC approval of such variance application.

Pikes Peak Mountain Estates Design Guide

PART VI – CONSTRUCTION REGULATIONS

PART VI – CONSTRUCTION REGULATIONS

In the interest of all Builders and Homeowners, the following regulations shall be enforced during the construction period. These regulations shall be a part of the construction documents contract for each residence, and all Builders and Homeowners shall abide by these regulations.

Deposit

Prior to the commencement of construction, the Builder or Homeowner shall deposit the sum of \$1,000.00 with the ACC to ensure payment of any fines imposed by the ACC for non-compliance with these Construction Regulations. At the time of completion of construction, any remaining funds shall be returned to the original depositor.

OSHA

All applicable OSHA regulations and guidelines must be strictly observed at all times.

Construction Hours

Construction hours shall be between the hours of 7:00 AM and 6:00 PM, Monday through Saturday.

Construction Access

Declarant may designate specific access points for exclusive and limited use by construction vehicles.

Construction Trailers, Sheds or Temporary Structures

Construction shelters/trailers shall not be permitted in Pikes Peak Mountain Estates without express approval of the ACC.

Excavation

Excess excavation material shall be removed from the property and shall not be placed in common areas or on roads. Excavation, except for utility trenching, shall be on the Homeowner's homesite only. Contractors are prohibited from spreading excess debris or material over the remainder of the home site, other property, or any other home site without approval.

Debris and Trash Removal

Regular cleanup of the construction home site is mandatory. All trash and debris shall be stored in a trash container and shall be removed on a weekly basis or when full. ALL SOIL AND DEBRIS FLOWING INTO THE STREET(S) OR OPEN SPACES FROM THE CONSTRUCTION HOME SITE SHALL BE CLEANED AS NEEDED. A fine may be imposed by the ACC for non-compliance with these requirements. This regulation shall be strictly enforced.

Vehicles and Parking

All vehicles must be parked so as not to inhibit traffic or damage surrounding natural landscape. Vehicles shall not be left on community roads overnight. The ACC may designate, at time of plan review or during construction, specific areas for parking of construction workers vehicles and/or equipment.

Pets

Contractors, subcontractors and employees are prohibited from bringing dogs and other pets to the construction home site.

Blasting

If any blasting is to occur, the contractor shall be responsible for informing all residents in the proximity of the blasting home site.

Restoration and Repair

Damage to any property other than the Lot owner's shall be promptly repaired at the expense of the person or entity causing the damage.

All roadside drainage ditches, shoulders and paving shall be repaired to their original state including the re-seeding of ditches.

Dust, Noise and Odor

Every effort shall be made to control dust, noise (including the personal use of radios, CD and tape players), and odor emitted from a construction area. The contractor will be responsible for watering, screening and alleviating dust problem areas as well as controlling noise and offensive odors from the home site.

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PART VII – MISCELLANEOUS

PART VII – MISCELLANEOUS

Nonliability

ACC approval pursuant to this Design Guide does not approve or guarantee engineering design or compliance with law and applicable governmental ordinances or regulations (such as zoning and building ordinances), and does not reflect any representation by the ACC as to such matters. By approving plans and specifications, neither the ACC, its members, the Association nor the Declarant assumes any liability or responsibility for engineering design or compliance with law and applicable governmental ordinances or regulations or any other matter relating thereto, other than this Design Guide. Neither the ACC, its members, its agents, the Association, the directors of the Association, the Declarant, nor any successors, assigns, agents, employees or officers of them shall be liable to any Homeowner or other person for any damage, loss, or prejudice suffered or claimed on account of: (1) approval or disapproval of any plans, (2) performance of any work, whether or not pursuant to approved plans, drawings and specifications; or (3) development of any property within the subdivision.

Aesthetic Considerations

Aesthetic Considerations relating to any improvement or other matter that is addressed in this Design Guide are within the scope of the design review process, and the ACC may deny or condition any application or request before it on the basis of aesthetic considerations, including the design theme for the development and specific areas within the development as well as the aesthetic consistency of a proposed improvement or other matter with the surrounding landscape and structures.

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PART VIII – EXHIBIT A