

RIVER WEST P.U.D.
ARCHITECTURAL GUIDELINES

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RIVER WEST P.U.D. ARCHITECTURAL GUIDELINES

I. INTRODUCTION

A. Purpose of Design Guidelines

The Architectural Guidelines for River West (“Architectural Guidelines”) provide an overall framework and comprehensive set of standards and procedures for the development of River West in an orderly and cohesive manner. These standards have been developed to assist in the planning, constructing, landscaping, and modifying of Lots within River West. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, and signage. In addition, the Architectural Guidelines establish a process for review of proposed construction and modifications to Lots to ensure that all sites within River West are developed with the consistency and quality that attracted you to this Community.

B. Governmental Permits

To the extent that Larimer County ordinances or any local government ordinance, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the Declaration of Covenants, Conditions, and Restrictions for River West P.U.D. Community (the “Declaration”), the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Architectural Guidelines (in that order) shall prevail.

C. Applicability of Design Review

Unless otherwise specifically stated in the Declaration or these Architectural Guidelines, all plans and materials for new construction or exterior modifications of improvements on a Lot must be approved before any construction activity begins. Unless otherwise specifically stated in these Architectural Guidelines, no structure may be erected upon any Lot, and no improvements (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials) shall take place without receiving the prior written approval of the Architectural Control Committee. Where these Architectural Guidelines specifically allow an Owner (capitalized terms in these Design Guidelines are defined in the Declaration) to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guideline.

Owners and builders are responsible for ensuring compliance with all standards and procedures within these Architectural Guidelines. Owners and builders are also governed by the requirements and restrictions set forth in the Declaration. In particular, Lot Owners should review and become familiar with the Use Restrictions applicable to River West set forth in Article IX of the Declaration, which address restricted and prohibited activities and conditions within the Community.

II. DESIGN REVIEW PROCEDURES

A. Review of New Construction

Although all Lots in River West are presently improved, in the event of new construction due to substantial damage or destruction of a dwelling, the following procedures shall be followed. Plans for new construction upon any Lot must be reviewed and approved by the Architectural Control Committee ("ACC"), requiring the submission of an Application for Review and payment of the Review Fee. Each Applicant shall submit a conceptual or preliminary site layout and some or all of the plans listed in Section II.C. Also, exterior finishes and color schemes, if available, and information concerning irrigation systems, drainage, lighting, landscaping, and other features shall be provided. Applicants may request an initial meeting with a representative of the A C C to address any questions about River West and the Architectural Guidelines.

B. Review of Modifications

The review of modifications to existing structures or improvements shall require submission of an Application for Review to the ACC along with the required Review Fee. Depending on the scope of the modification, the ACC may require the submission of all or some of the plans and specifications listed below in Section II.C. In the alternative, the ACC may require a less detailed description of the proposed modification. The review and approval of the modifications shall take place within the same time periods as required for new construction.

C. Plans to be Reviewed

The ACC may require two sets of any of the following plans for new construction or a modification, in addition to the submission of an Application for Review.

1. **Floor Plan**

Showing decks, patios, stoops, retaining walls related to the residential dwelling, trash enclosures, HVAC equipment and utilities, and the screening for same, interior spacing of rooms, and connections to driveways and walkways. Floor plans shall show total square footage for each level of the residence. Minimum scale of 1 inch = 20 feet.

2. **Elevations**

Front, rear and side exterior elevations showing building materials and finishes, window placement and door placements, and indicating the maximum height of the residential dwelling.

3. **Roof Plan**

Showing slopes, pitches and gables, unless reflected in the other plans.

4. **Exterior Finishes**

Showing the materials for external walls and exterior color scheme (including samples and color chips, if requested), lighting scheme and other details affecting the exterior appearance of the proposed improvements.

5. **Landscaping Plan**

Showing location of trees, protection of existing vegetation, use of plants,

and other landscaping details, as more specifically provided in these Architectural Guidelines.

6. **Fencing**

The size, type, and material to be incorporated in any fencing located on the Lot.

7. **Other**

Such other information, data, and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, landscaping, and other features.

D. Review Criteria; Recommendations; Variances

While the Architectural Guidelines are intended to provide a framework for construction and modifications, the Architectural Guidelines are not all-inclusive. In its review process, the ACC may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. ACC decisions may be based on purely aesthetic considerations. However, the ACC shall not grant approval for proposed construction that is inconsistent with the Architectural Guidelines, unless the ACC grants a variance.

These Architectural Guidelines are to provide guidance and compliance with these guidelines does not relieve the Applicant from any obligations set forth in these Architectural Guidelines to acquire approval prior to installation.

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship, or environmental considerations) when deviations may be required. The ACC shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration. No variance shall be effective unless in writing, signed by the committee chairperson with the support of a majority of the committee members.

E. Review Period

Each Application for Review and plan submittal shall be approved or disapproved within 30 days of submission of all materials required by the ACC. Within 30 days of receipt of a complete review request, the reviewer shall respond to the Applicant. One set of plans shall be returned to the Applicant, accompanied by the reviewer's decision. The other set of plans shall be retained for the reviewer's records. The reviewer's decision shall be rendered in one of the following forms:

1. "Approved" - The entire application as submitted is approved.
2. "Approved As Noted" - The application is not approved as submitted, but the ACC's suggestions for curing objectionable features or segments are noted. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The reviewer may provide comments but is not required to do so. If the reviewer

fails to respond within thirty (30) days, approval shall not be required. However, no construction or modification that is inconsistent with the Declaration or the Architectural Guidelines shall be deemed approved.

F. Appeal

Pursuant to the terms of Article VIII, Section 6 of the Declaration, any Applicant shall have the right to appeal a decision of the ACC to the Executive Board. Notice of appeal shall be delivered to any member of the Executive Board within ten (10) days after the decision of the ACC which is being appealed. Upon receipt of the notice of appeal, the Executive Board shall call a special meeting to be held within thirty (30) days of receipt of the notice of appeal. A member of the ACC, the Lot Owner, or any other interested party may present evidence to the Executive Board. The Executive Board shall affirm the decision of the ACC unless the Executive Board determines that the ACC decision was arbitrary, capricious or an abuse of discretion.

Any Owner dissatisfied with the decision of the Executive Board may appeal to the general membership by delivering a notice of appeal to the president or secretary of the Association within ten (10) days after the decision of the Executive Board. Upon receipt of such notice, the president or secretary shall call a special meeting of the membership to be held within sixty (60) days after receipt of the notice of appeal. Any member of the ACC, the Lot Owner, and any other interested party shall have the right to present evidence and testimony concerning the decision of the Executive Board. The decision of the Executive Board shall be affirmed unless Owners holding a majority of the total Association vote reverse the decision of the Executive Board. If Applicant fails to appeal a decision of the ACC, the reviewer's decision is final.

G. Larimer County Approval

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of Larimer County or other governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals.

H. Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ACC that work completed or in progress on any Lot is not in compliance with these Architectural Guidelines or any approval issued by the ACC, the ACC shall, directly or through the Board, notify the Owner in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same. If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Architectural Guidelines.

1. Time to Commence

If construction does not commence on a project for which plans have been approved within 3 months of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Applicant to resubmit the plans to the appropriate committee for reconsideration.

2. Time to Complete

The exterior of any new construction shall be completed within nine (9) months and all landscaping completed within twelve (12) months after issuance of a Certificate of occupancy. The ACC shall include in any approval a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, construction shall be

completed within three (3) months of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ACC may approve or disapprove, in its sole discretion.

If construction is not completed on a project within the period set forth herein or in the approval, or within any extension approved by the reviewer, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed to be in violation of the Declaration and these Architectural Guidelines.

I. Changes After Approval

All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping or signage, made after the approval of plans must be submitted to and approved in writing by the ACC prior to implementation. Close cooperation and coordination between the Applicant and the ACC will ensure that changes are approved in a timely manner.

If Larimer County or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the ACC, the Applicant must notify the ACC of such changes and receive approval from the ACC prior to implementing such changes.

J. Enforcement

In the event of any violation of these Architectural Guidelines, the ACC or the Board may take any action set forth in the ByLaws or the Declaration, including the levy of a fine. The Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Board shall be entitled to recover the costs incurred in enforcing compliance and/or imposing a fine against the Lot upon which such violation exists.

III. CONSTRUCTION GUIDELINES

A. Inspections

The applicant shall schedule and coordinate a review of all construction activities with the ACC to verify compliance with the approved plans and specifications. The reviewer may also perform additional periodic informal inspections to ensure that work is being performed in conformance with approved plans and these Architectural Guidelines. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from Larimer County and other organizations having jurisdiction.

Job sites not in compliance with the Declaration, these Architectural Guidelines or approved plans will be issued a Notice of Violation and a punch list of items needed to bring the construction and/or job site into compliance. Further construction is prohibited until such punch list items have been corrected.

B. Construction Damages

Any damage to vegetation or common area facilities caused by the Applicant, its contractors, sub-contractors, agents or employees must be corrected immediately to the satisfaction of the Common Area Committee, and the owner of the damaged

property. If the damage is not corrected, the Association may repair such damage and assess the costs of repair to the Applicant.

C. Conduct

The Applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in River West. Loud music, profanity and other behavior which is unbecoming of a quality operation will not be tolerated. Employees violating this policy may be asked to leave the premises. Owners are responsible for the conduct of their contractors.

D. Site Cleanliness

All sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared at the end of each working day.

IV. ARCHITECTURAL GUIDELINES

[SEE ATTACHED GUIDELINES]

V. CHANGES AND AMENDMENTS TO THE ARCHITECTURAL GUIDELINES

These Architectural Guidelines may be amended as follows:

- A. These Architectural Guidelines may be amended only upon the affirmative vote of two-thirds of the members of the AAC and the consent of the Board.
- B. Such amendment shall be published and/or promptly posted in a prominent place within the Community.
- C. All amendments shall become effective upon adoption by the ACC and consent of the Board. Such amendments shall not be retroactive so as to apply previous work or approved work in progress.
- D. In no way shall any amendment to these Architectural Guidelines change, alter or modify any provision of the Declaration.

VI. DEFINITIONS

Capitalized terms that are not defined in these Architectural Guidelines shall have the same meaning as set forth in the Declaration of Covenants.

These Architectural Guidelines have been prepared by the ACC and the Board for River West and are hereby adopted on this _____ day of _____, 20____.

River West P.U.D. Community Association, Inc.,
Architectural Control Committee

By: _____
Chairman

ATTEST: _____
Member

Approved by River West P.U.D. Community
Association, Inc.

By: _____
President

ATTEST: _____
Secretary