

**Architectural Design Review Criteria and
Guidelines for
Harman Park Subdivision**

2560 West Highway 160
Pagosa Springs, Colorado 81147

As Amended and Adopted
February 1, 2006

Design Guidelines

Purpose and Authority:

Harman Park Subdivision is a mixed-use commercial development designated within a D4 District by the Town of Pagosa Springs. It is the intent of the Declarant that this retail/service Subdivision will preserve and enhance the unique character and identity of Pagosa Springs, while recognizing the commercial and visual importance because of its proximity to Highway 160.

The Architectural Design Review Criteria and Guidelines (ADRC) which were adopted by the Architectural Review Committee ("ARC") for the Harman Park Subdivision set forth certain architectural standards and specifications regarding the design of construction, improvements, expansion, remodeling, selection of construction materials, lighting, landscaping, signage, parking and other matters for structures in the Harman Park Subdivision. The ADRC may be amended from time to time by the ARC. Also included are sections outlining the processes for approval of plans and for construction. These guidelines are intended as additional restrictions as provided in the Declaration of Restrictions and Grant of Easements for the Harman Park Minor Impact Subdivision (Reception Number 20300810, recorded January 30, 2003), the Supplemental Declaration which extended the coverage of the original Declaration to Harman Park Subdivision (Reception Number 20412250, recorded December 21, 2004), the Corrected Supplemental Declaration (Reception Number 20503373, recorded April 14, 2005), the First and Second Amendments to the Declaration of Restrictions and Grant of Easements Harman Park Minor Impact Subdivision and Harman Park Subdivision, (Reception Number 20412249, recorded December 21, 2004, and Reception Number 20505545, recorded June 8, 2005), respectively, the Vacation and Restatement of the Supplements and Amendments to the "Declaration of Restrictions and Grant of Easements" for the Harman Minor Impact Subdivision and Harman Park Subdivision, recorded November 8, 2005, at Reception No. 20511997, and ordinances and regulations of the Town of Pagosa Springs.

Article 1: STRUCTURES

1.1 Building Setbacks (or "Building Envelopes")

Building setbacks and build-to lines are an integral part of the design guidelines for the Harman Park Subdivision in order to achieve the unique architectural flavor anticipated for this subdivision. The Town of Pagosa Springs Zoning Ordinance No. 456 and more specifically D4 Design Guidelines and Review Process that are part of Ordinance 456.

together with the recorded plat for this subdivision identify the setbacks and build-to lines as designed and they shall be part of the site improvement plan for all construction.

1.2 Temporary Improvements

Improvements, excavation, earth moving or storage of materials shall be allowed on any lot only after receiving written permission of the Declarant and obtaining permits required by the Town of Pagosa Springs.

1.3 Building Orientation

Buildings facing Harman Park Drive, Ryder and Papoose Courts shall create primary entrances with structural visual interest and pedestrian amenities, while also considering winter snow and ice accumulation and dump, shaded outdoor open spaces and street furniture positions.

Preservation of views toward the mountains should be maintained to the extent feasible.

Service and utility entrances, as well as mechanical support units, shall be designed, screened or enclosed so as not to visually impact neighboring businesses or pedestrian enjoyment of the trails and pathways.

1.4 Building Height

Maximum building height is thirty-five feet (35') or two stories, measured from the average finished grade surrounding the building.

1.5 Exterior Building Materials

To maintain a high standard of construction and appearance, the external walls should be predominately constructed of durable, permanent materials such as wood, brick, stone, colored decorative concrete masonry units, pre-assembled and site-assembled masonry and concrete systems, stone and/or stucco. Metal-sided buildings are not appropriate however, metal roofs are allowed. All proposed external building materials are subject to review and approval for compatibility of the scale, color and texture of materials with other buildings in Harman Park Subdivision. There will not be an effort to develop a common theme, material or color for the development. However, materials appearing to derive from local natural settings, such as timber and stone are encouraged.

1.6 Mechanical Equipment

No heating, air conditioning, electrical or other equipment shall be installed on the roof of any building or hung on any exterior walls, or freestanding unless the same are screened, covered or not visible from other building sites, the common areas, or any street.

Article 2: SITE CONSIDERATIONS

2.1 Traffic Circulation

Every principal structure (and its required parking) shall provide safe and convenient access to a public street, including provisions for access by pedestrians and service and emergency vehicles.

2.2 Parking Areas

Parking shall comply with Section 3.02 of the Town of Pagosa Springs Zoning Ordinance. Complementary use of parking lots, such as evening entertainment and daytime offices, may be allowed to share required parking.

- Required parking shall be broken into component lots, avoiding large, unrelieved expanses of paving
- Parking shall be buffered from major pedestrian routes by landscaping.
- In parking areas, landscaping and accent paving are recommended to provide shade and clearly demark pedestrian walkways.

2.3 Loading Areas

Adequate off-street loading and maneuvering areas shall be provided for each building, and all loading and servicing docks and bays shall be designed as an integral part of the building architecture. Visual screening must be provided between loadings, receiving, service or similar areas and the street and other building sites. Screening may be landscaping material, fencing, walls or combination of these. Site development designs, which create joint-use service areas by neighboring businesses, shall be encouraged wherever possible.

2.4 Landscaping

It is proposed that lot owners and businesses add to the ambience created by the developer by landscaping with shrubs, flowers, groundcovers, shade trees, window boxes and planters. Attractive street furniture and landscaping features will encourage guests to linger in outdoor spaces.

(a) All building sites shall be landscaped. The landscaping plan shall be submitted with the site development plan and must show how the plant materials will be irrigated.

(b) Include a list of proposed plant materials such as: type of seeding or sodding, trees, hedges and shrubs. Landscape material choices should take into consideration local conditions in order to assure the success of the plan. Any trees

proposed for an area between the curb and sidewalk should be selected from the list of street trees approved by the Town of Pagosa Springs and be planted in the manner approved by the Town of Pagosa Springs.

(c) All landscaping shall be completed prior to occupancy of a building, except where prohibited by seasonal limitations, in which case the landscaping must be installed within sixty (60) days following the onset of seasonal conditions allowing planting.

(d) The landscaping plan should consider the potential for snow dump and snow storage when selecting plant materials and their locations.

(e) Landscaping must be watered, replanted and maintained by the property owner as necessary to preserve the intent of the approved landscape plan. Landscape plans which limit the amount of lawn grass area are encouraged to limit the amount of water required for irrigation.

(f) Each lot shall be maintained in a safe and clean manner. Weeds, debris and any other unsightly materials shall be removed promptly at the owner's expense.

2.5 Storage

No materials, pallets, racks, tanks, supplies, goods, equipment, finished or semi-finished products or articles of any nature shall be stored or permitted to remain outside of any building. All waste and rubbish storage facilities shall be within an enclosed area, properly screened.

During construction, the location of temporary building or construction shed shall be limited to that portion of the Project approved in writing by the ARC.

2.6 Signs

Proposed signs and a sign site plan must be approved by the ARC and comply with any Town of Pagosa Springs sign regulation ordinances that are in effect at the time of the application. See Article 3.3 Signs in the Declaration of Restrictions and Grant of Easements for Harman Park Subdivision for additional sign information.

(a) Signs are not allowed on or to project from roofs, parapets or mansard roofs. No signs painted, mounted or attached to trailers, boats, motor vehicles or any other similar prop shall be allowed.

(b) No sign shall be placed so as to impede the sight distance and visibility of motorists.

(c) Projecting signs located over alleys, sidewalks, public ways or similar locations shall be placed no less than eight and one-half feet (8 1/2') from the traveled way to the bottom of the sign. The projecting edge of the sign shall be at least two (2) feet back from any curb line.

(d) In the Harman Park Subdivision all signage must have light copy on a dark

background. Internally illuminated and neon signs are restricted to six square feet and must be mounted at the first floor level.

(f) Murals and graphics will contribute to visual interest and add public art to the streetscape and may be incorporated into the proposed site plan. The content must be submitted in the form of a sketch and is subject to specific approval by the ARC. Murals or graphics with identification of a business or service are signs and will be included in the sign area calculation by the Town of Pagosa Springs at the time a sign permit is applied for.

2.7 Lighting

Proposed lighting and a lighting site plan must be approved by the ARC and comply with any Town of Pagosa Springs Lighting Ordinance #517, or such ordinance as may be in effect at the time of the application.

Lighting shall be of a type and installation such that no direct glare may be seen from any other Building Site, or portion of the Common area or streets or any adjoining properties outside the Harman Park.

Light standards used in parking areas and other appropriate areas must be the similar to those used by the Harman Park Subdivision for street lighting and other safety or landscape feature lighting. They may be of heights appropriate for the use and area.

(a) A visible light source or bulb is permissible if equipped and operating with motion detector devices that stay lit no longer than five (5) minutes.

(b) Mercury vapor lights are not allowed, however, high-pressure sodium, metal halide, incandescent, florescent and neon are acceptable bulb types.

(c) Wall mounted lighting shall not produce direct glare that extends beyond the surface of the building and light sources (bulbs) must be concealed or shielded. Soffit lighting is allowed and should be considered for lighting pedestrian walkways and other amenities such as the first level covered pedestrian walkways.

(d) Lighting used to illuminate flags, statues and similar objects must use a narrow light beam and not be visible beyond the illuminated object.

2.8 Utility Connections

Underground utility infrastructure has been installed to the Subdivision. Utility line locations must be obtained before any excavation takes place. Contact the Utility Notification Center of Colorado (800-922-1987) to request line locates. The Director of Maintenance and the utility companies must also be notified. It shall be the responsibility of the property owner to comply with any utility provider requirements.

Each lot owner is responsible for connection to and installation of utilities to building sites. Applications to the individual utility companies are the owner's responsibility.

See Article 3.2 Utility Lines and Facilities in the Declaration of Restrictions and Grant of Easements for Harman Park Subdivision for additional Utility information.

2.9 Fencing/Screening

Screening fences and walls shall be a height at least equal to that of the materials or equipment being screened. Temporary chain link construction fencing may be used during construction and must be removed prior to occupancy.

2.10 On-site Drainage

Each owner shall be required to provide adequate drainage facilities to contain storm water and snow melt runoff from affecting neighboring lots or common areas. An On-site Drainage Report is required at the same time construction plans are submitted for approval.

2.11 Refuse/Trash

Dumpsters and other trash containers must have lids and be surrounded on at least three sides by wooden or masonry block fences. A roof over the area is optional. In no case will trash, paper or other refuse be allowed to be stored on the lot outside of a proper trash container. All foodservice providers must comply with regulations for safe disposal as directed by governmental entities licensing such businesses. Wildlife resistant receptacles are required.

2.12 Vehicle Storage

Vehicles used in the normal course of business by any owner, tenant or guest of the business may be parked on the building site or other approved parking lot.

Parking of construction vehicles and equipment shall be limited to that portion of the Project approved in writing by the ARC.

2.13 Construction

The owner is required to promptly commence and to diligently prosecute to completion the construction of all approved improvements in accordance with the approved construction schedule and to secure additional approval for any delay.

During construction the building site shall be cleaned up on a reasonable periodic basis, and all trash, rubbish and debris shall be promptly removed after construction is completed. All construction storage and equipment shall be located on a building site in a manner that minimizes the impact, physical and visual, on adjacent lots and streets.

Refer to Harman Park Subdivision Construction Criteria and Guidelines for more specific information about the requirements contractors are expected to follow.

Article 3: PROCESS

3.1 Application

Application forms are available from the Maintenance Director. The lot owner or his designated agent must sign the application. A Construction Deposit of \$1000 per lot/building for damage and clean up may be required at the time of submittal. The Construction Deposit will be returned, less any expenses incurred, after a final inspection and issuance of a Certificate of Approval.

The completed Application, all required documents and Plans (See Section 3.2 below), the Construction Deposit and the non-refundable Application Fee should be submitted to the Maintenance Director. The Maintenance director will review the Application to be sure that all necessary materials are included. The Maintenance Director will then submit entire Application package to the ARC for approval/disapproval

3.2 Submission Requirements

The Design Review process leading to a Building Permit from the Town of Pagosa Springs has a list similar to the following of requirements. Applicants may submit for materials for Design Review and approval by the Town of Pagosa Springs before seeking review and approval by the ARC of the Harman Park Subdivision.

The Town of Pagosa Springs and Harman Park Subdivision approvals may take place in parallel. Or approval by the ARC may be required before the applicant can proceed with Town approvals. Early discussions with the ARC or their agent (Maintenance Director) are highly recommended so that the approval process can be agreed to in advance and to help it proceed smoothly for all parties involved.

Plans (2 sets) submitted to the Maintenance Director by a property owner. at the owner's expense, shall include a Site Plan, an On-site Drainage Report, Architectural Plans and Specifications. Landscaping, Lighting, and Signage plans and any other information that may be may required. These include but may not be limited to:

- (a) Samples of all exterior building materials and colors shall be submitted with the application, unless this requirement has been waived by the ARC. Example: an addition or remodel application where materials will match existing materials and colors.
- (b) Proposed construction schedule. No construction shall commence until all approvals, permits and a construction schedule have been approved.
- (c) Description of proposed operations or uses, including an estimated maximum number of employees and open or operational hours.

3.3 Site Plan

A Site Plan should show at least the following: location and design of all improvements, building, setbacks, fences, parking areas, light standards, outdoor courtyards, loading areas, retaining walls, trash collection areas, pedestrian circulation patterns and sidewalks, and any other improvements which may impact how the lot is developed.

3.4 Architectural Plans and Specifications

These should include: building elevations, types of materials, exterior colors, exterior lighting, a brief description of mechanical systems, structural systems, floor plans and typical wall and roof construction.

3.5 Exterior Elevations

Exterior elevations are required of all sides of any proposed building or structure. Renderings are not required; however, the owner is encouraged to submit them with the application package.

3.6 Signage Plan

The Signage Plan shall include a site plan showing all proposed signs on the site and scale drawings of each proposed sign. Plans shall specify height and overall dimensions of all signs and an outline of the building elevation showing size and location of any proposed wall mounted signage. See 2.6 of this document.

Submit:

- (a) Sign design drawings to scale indicating overall dimensions, colors, materials, proposed copy and illumination specifications for each proposed sign.
- (b) Site lighting plan. This may be included with the Site Plan
- (c) Building elevation for wall mounted signs.

3.7 Landscaping Plan

Submit a landscaping plan, shown on a Site Plan map, indicating any proposed landscaping features. Include an irrigation plan, a list of plant materials and any hardscape (such as a berm or large boulder, materials to be installed). See 2.4 of this document

3.8 On-Site Drainage Report

The review process for an approval of the site development plan and a building permit by the Town of Pagosa Springs Planning Staff includes submittal of a drainage and grading

plan. This should also accompany the Application for approval by the Harman Park Subdivision ARC.

3.9 Lighting Plan

All applications shall include a Lighting Plan showing the description, location, type, height and method of shielding of all exterior lighting proposed. Include any sketches, photos, vendor descriptions and brochures available to complete the proposed lighting plan and facilitate the committee review. See 2.7 of this document for additional information.

3.10 Procedures

The ARC shall approve or disapprove all plans within thirty (30) days after receipt of two complete sets of all required items and the payment of the non-refundable review fee described in Section 3.11. The ARC or their agent (Maintenance Director) shall notify the owner in writing of its approval or disapproval or if they need additional information. The ARC shall make every reasonable effort to respond in a shorter period of time when so requested.

Approval of these plans by the ARC in no way constitutes approval of these plans by the Town of Pagosa Springs.

It is the sole responsibility of each owner to obtain any and all required approvals and permits from the Town of Pagosa Springs and any other entity, prior to the commencement of the construction of any improvement. Neither the Declarant nor the Owners have any obligation or responsibility to secure any such approval or permit.

3.11 Review Fee

A non-refundable Architectural Review Application of \$100.00 per lot/building must accompany the Architectural Review Application.

Note that a Construction Deposit of \$1000 per lot/building must also be submitted with the Architectural Review Application.

3.12 Variances

The ARC shall have the right to grant written variances, both temporary and permanent, from the Declaration or ADRC Design Guidelines, if in their reasonable discretion such a variance is warranted in a particular instance.

No variance shall be granted where the result of such variance would be contrary to or inconsistent with any applicable zoning ordinance or other governmental law, ordinance, rule or reevaluation, unless the prior consent thereto is granted by the appropriate governmental body or official.

Any owner desiring consideration of a variance must submit a written request to the ARC or their agent (Maintenance Director) providing all information and material requested by the committee. If the ARC fails to approve or disapprove the variance within thirty (30) days after receiving all the requested information, then the requested variance shall be deemed denied. The granting of a variance shall not be deemed to be a precedent for granting of any other variance request by an owner.

Article 4: APPROVAL

4.1 Criteria for Approval

Criteria for approval include but are not limited to:

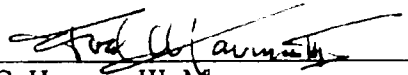
- a. Compatibility of external design with ADRC Design Guidelines and neighboring structures.
- b. The effect of location and use of improvements on neighboring lots, operations and uses.
- c. Proper facing of main elevation with respect to nearby streets; and
- d. Compatibility of the plans and specifications to the purpose and general plan and intent of the Declaration of Restrictions and Grant of Easements for the Harman Minor Impact Subdivision (Rec. No. 20300810, January 30, 2003) and any subsequent Amendments for the Harman Minor Impact subdivision and Harman Park Subdivision. Approval by the ARC such plans and specifications shall not constitute a recommendation, certification or other verification by it of the worthiness, suitability or integrity of the plans and specifications.

The decisions of the Architectural Review Committee are final and binding.

These Amended Design Guidelines were adopted February 1, 2006, and amend the original Design Guidelines adopted June 30, 2005; the only amendments being the reference to the Vacation and Restatement of the Supplements and Amendments to the "Declarations of Restrictions and Grant of Easements" for the Harman Minor Impact Subdivision and Harman Park Subdivision and the increase in the Review Fee.

Adopted this 1st day of February 2006.

Harman Artist, LLC.

By: 
Fred C. Harman, III, Manager

By: 
Norma Harman, Manager