

**AMENDED AND RESTATED
RULES, REGULATIONS AND PROCEDURES
FOR
SMUGGLER PARK SUBDIVISION
ARCHITECTURAL CONTROL COMMITTEE**

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AMENDED AND RESTATED
RULES, REGULATIONS AND PROCEDURES
FOR THE SMUGGLER PARK SUBDIVISION
ARCHITECTURAL CONTROL COMMITTEE

As of **September 29th, 2021**, this document replaces in its entirety all previous Rules, Regulations and Procedures for the Smuggler Park Subdivision Architectural Control Committee.

The Architectural Control Committee of Smuggler Park Subdivision's Home Owner's Association, pursuant to the Declaration of Protective Covenants, Conditions and Restrictions of the Smuggler Park Subdivision, Pitkin County, Colorado hereinafter referred to as ("Covenants"), specifically Article VI, Section 1 of the Covenants, hereby promulgates and approves the following rules and regulations to govern the architectural control process.

In addition to the Covenants, all Owners and Builders should refer to these Rules, Regulations and Procedures for the Smuggler Park Subdivision Architectural Control Committee (herein the "Architectural Committee" "Committee" or "ACC"), all City of Aspen Building Codes established by the R-3 Zone as amended by Ordinance 40 Series of 1990 Amendment for Smuggler Park, and Ordinance 12 Series of 2016, Amendment for Smuggler Park, PRIOR to submitting final design plans to the Smuggler Park ACC.

PROCESS

- I. General Requirements. All improvements, sheds, construction, landscaping alterations on any lots within Smuggler Park Subdivision shall conform to the requirements of the Covenants and the Rules and Regulations of Smuggler Park Subdivision.

- II. Review Sequence. The review sequence set forth herein is to be used for approvals of residences and major site development activity, including additions occurring in Smuggler Park Subdivision.
 - A. Informal Preapplication Conference. Prior to formal filing of an application, an owner/applicant may confer with the Architectural Committee to obtain information and guidance. The Architectural Committee shall meet on the last Wednesday of each month. The purpose of such a conference is to permit the applicant and members of the Architectural Committee to informally review the proposal before substantial commitments of time and money are

made. Any informal and/or preliminary approval or disapproval shall be for informational and guidance purposes only and shall in no way bind the Architectural Committee. The Architectural Committee is not committed or bound by any preliminary or informal approval or disapproval and approval/disapproval is not final until such time as complete architectural and site development plans and specifications are submitted and approved or disapproved in the procedures set forth herein.

- B. Applicant will submit required documents outlined below in section 1.1 through 1.3 under Design Submission Requirements and in the attached Checklist.
- C. Application Review. When the submission is certified complete by the Architectural Committee, the Committee shall have forty-five (45) days thereafter within which to review the application to determine if the design submission is in substantial conformance to the Rules and Regulations and the Covenants and notify the applicant in writing of the findings. If a meeting is required to review the findings, it shall be held not more than thirty (30) days after the date on which the applicant is notified of the Committee's findings. The meeting shall be held at a date, time and location in Aspen, Colorado, mutually convenient to the applicant and the Architectural Committee. Notwithstanding the foregoing, an applicant need not be present for the Architectural Committee to act on an application before it.
 - a. Before the Architectural Committee shall approve any Design Submission application, the applicant must demonstrate, and the Architectural Committee must find that the design submission is in substantial conformance with these Rules and Regulations and the Covenants.
- D. Construction of Improvements. From and after the time an applicant receives Design Submission approval, the applicant may proceed toward commencement of the proposed improvements, **provided** that improvements shall strictly conform to all the requirements and provisions of the Design Submission. On receipt of Design Submission approval, the applicant shall agree that any member of the Architectural Committee or any agent appointed thereby may periodically review the construction progress to determine:
 - 1. Construction is consistent with the plans approved by the

Architectural Committee.

2. Off-site construction impacts on the surrounding residents are minimized.
 3. Construction progress conforms to the construction schedule.
- E. Upon Completion. The applicant shall notify the Architectural Committee upon completion of the improvements. Thereafter the improvements will be inspected by the Architectural Committee. In the event construction differs from the Design Submission approval, a meeting will be held in a reasonable time frame. The applicant will be notified and is entitled to be present. Should the Architectural Committee determine that a violation of the approvals has occurred, the Architectural Committee may withdraw its approval. In such case, the Architectural Committee and the Homeowners Association Board of Directors shall be entitled to exercise any remedies either of these entities may possess under the law or which either of them may have been granted pursuant to these Rules and Regulations and/or the Covenants.
- F. Records. The Architectural Committee shall appoint a secretary who may or may not be a member of the Architectural Committee, to keep a record of all Architectural Committee meetings and actions. An official copy of such records shall be filed with the records of the Homeowner's Association.

DESIGN SUBMISSION REQUIREMENTS

1.0 THREE (3) SETS OF DRAWINGS TO SCALE OF THE TOP VIEW OF LOT AND SIDE ELEVATION VIEW OF EVERYTHING TO BE BUILT, AND EXISTING IF AN ADDITION. IF IT'S NOT AN ADDITION, JUST SHOW THE NEW BUILDINGS.

THE BUILDING DEPARTMENT CALLS THESE 'SITE PLANS' AND HAS A SPECIFIC ELECTRONIC FORMAT REQUIRED FOR SUBMISSION. THE FOLLOWING ARE THE BASIC REQUIREMENTS FOR ALL NEW CONSTRUCTION. USE THE ACC PROVIDED CHECKLIST TO DETERMINE IF YOUR SUBMISSION IS SUFFICIENT.

1.1 TOP VIEW DRAWING. Must show your lot lines and limited common easement between your street lot line and the street curb (which can be found on

the office survey plan on the wall in the clubhouse) and everything you will have on the lot as viewed from the top. This includes, but is not limited to, main house structure, parking spaces, decks, window wells, stairs, eaves, overhangs, patios, wall projections, bay windows, walkways, sheds, garages, everything above and below ground level. Utility plans are required – Water, sanitary sewer, storm sewer, gas, electric, cable, telephone, routings shall be depicted with relation to survey.

Any above ground utilities; i.e., gas meters must be on your property, on your house and not across the zero (0) lot line. They may not encroach onto your neighbor's property, Smuggler Park common areas or into easements unless the ACC and Smuggler Board of Directors determine that it is necessary.

THE INSIDE OF THE HOUSE IS NOT OF INTEREST TO THE BOARD, WITH THE EXCEPTION OF TOTAL INTERIOR SQUARE FOOTAGE AREAS, BUT WILL BE REQUIRED BY THE BUILDING DEPARTMENT.

1.2 SIDE ELEVATION DRAWINGS from all four sides showing elevations with respect to existing ground, elevation of main structure and all other constructions. Most importantly roof design and shape including dormers, chimneys, solar panels, and any and all structures that could affect view planes from any direction.

1.3 AVERAGE LOT ELEVATION. A survey is required by the City and Architectural Committee which must include the elevations of all four corners of the property. **The average of these is the average elevation of your lot. The roof peak may not be more than fifteen (15) feet above this average elevation.** You must accurately demonstrate this on your plans; i.e., determine average lot grade and show roof peak elevation and the elevation at the bottom of your footings (bottom of your dig). If the corner pin of your lot falls in or on a planter or retaining wall, you must use a point closest to it that coincides with what natural grade would otherwise be. Any planters or other grading on a corner that raises or lowers the elevation unnaturally from the elevation of the area around it will not be accepted as the true corner elevation for the purposes of determining maximum roof height of fifteen (15) feet.

(a) You must submit a line grade verification form stamped by a certified surveyor after your final dig to confirm that you are at the right elevation before you start to pour footings. This form is a City requirement, the ACC requires submission of this form at the time the City requires it.

(b) You must also provide a final stamped survey verification for your roof height and building location on your lot at the end of the project.

ON THE NORTH SIDE OF OAK LANE, YOU MAY HAVE A SIXTEEN (16) FOOT

MAXIMUM ROOF HEIGHT BECAUSE THE AJAX MOBILE HOME PARK LAND WAS RAISED ABOUT TEN (10) FEET BY THE DEVELOPER RESULTING IN NO VIEW PLANE OBSTRUCTION FOR THEM BY OUR PARK AT FIFTEEN (15) OR SIXTEEN (16) FOOT HEIGHT LIMITS.

2.0 RULES AND REGULATIONS REGARDING WHAT IS ALLOWED TO BE BUILT AND WHERE ON YOUR LOT IT CAN BE LOCATED:

2.1 SETBACKS. Except for the south side of Maple Lane which is a zero (0) foot setback, all lots have a zero (0) foot setback on the street side, a five (5) foot setback at the back, a zero (0) foot setback on one side and a ten (10) foot setback on the other side. The side setbacks must conform to the adjacent lot side setbacks. Decks, of any height, have a six (6) foot setback from neighbor's zero (0) lot line.

2.2 WINDOW WELLS AND BASEMENT ACCESS. Egress windows are required by the City for all bedrooms. The egress window wells for basement bedrooms must be located entirely on your lot. They cannot be in your neighbor's lot area. They can, however, be in your setback areas. If you locate a window well in your rear five (5) foot setback, you will be required to remove it and replace it at your own expense in the future if the park has to do installation of utilities or other work in that area. **You can cover it, but it may not be closer than six (6) feet to your neighbor on your non-zero lot line side.**

2.3 PARKING. All homes with less than 1500 sq. ft. require two (2) parking spaces. For all homes over 1500 square feet of living space, three (3) independent (not tandem) parking spaces of minimum area 8 foot by 16 foot are required. Any home with 2000 square feet must have four (4) non-tandem parking spaces. For any home in excess of 2,500 square feet, five (5) parking spaces are required. **When garage space is used for parking,** it shall not be included in the calculation of living area for computing required parking spaces.

These parking areas can be sited on both your lot area and on the limited common easement between your street side lot line and the street curb. A garage can also be counted as a parking space and not included in overall square footage when used for parking and full Aspen City fire code access is available. Currently, the Park only requires 8 x 16-foot non-tandem parking spaces. However, many vehicles will not fit into an 8 by 16-foot area. Therefore, it is highly recommended that the parking areas be 9 by 18 feet instead. No parking, or any part of a vehicle, is permitted in the street. **(See Ordinance 40, Series of 19)**

Oversized Vehicles/Structures/Machinery. Parking and/or the existence in the Park of oversized vehicles, trailers, machinery, approved structures or un-approved things

that are greater than ninety eight (98) inches width x two hundred forty five (245) inches length x ninety six (96) height are not permitted without approval of the Board of Directors of Smuggler Park Subdivision. Shade tents with no sides and a maximum of (11) feet in height are permitted in easements and setbacks and do not need approval of the ACC.

2.4 BASEMENTS. These can be built within the setback limits. You might consider having a nine (9) foot ceiling instead of an eight (8) foot ceiling. Roof height limits remain the same at 15 feet, but the livability of the basement is greatly improved. **Per local code, all newly constructed basements shall incorporate radon mitigation. Radon venting should go up and not discharge into neighboring properties. Location shall be depicted and approved prior to installation.**

To build a basement or a foundation on the zero (0) lot line, a standard foundation would require excavation into your neighbor's yard during construction. It is your responsibility to replace anything you remove or damage such as grass, trees, etc. that are allowed in the six (6) foot setback per HOA Rules. You are allowed to run utilities to your home in the three (3) foot setback area of your neighbor's property on the zero (0) lot line side of your house with Architectural Committee approval only. You must show it is a last alternative, and you must make every effort to put your utilities on your own property. They must be within code as to the depth and everything above ground must be within your property line. You must give your neighbor safe access to their home during construction. Written permission is required from affected neighbors to use their property during construction.

Existing utilities are owned by the HOA. If existing utilities for your lot are located on adjacent properties, they may remain if the scope of your construction project is not related to replacement and/or relocation of utilities. If the scope of your project allows relocation of your lot's utilities onto your lot reasonably with relation to the scope of your project, the Architectural Committee/HOA can require relocation of said utilities onto your property. (also see section 4.0)

2.5 SHEDS OR OUTBUILDINGS. Must be reviewed and approved by the ACC. They can be no higher than ten (10) feet from the ground and must not be in setback areas. They must meet City fire codes. The homeowner/applicant is responsible for verifying with the City if a building permit is required. They must be within your ten (10) foot setback, five (5) feet on your rear lot line.

2.6 MAXIMUM LIVING, GARAGE, AND SHED SQUARE FOOTAGES. Maximum allowable living area is 2000 square feet calculated as one (1) square foot actual on upper level, but one (1) square foot in the basement counts as one half (.5) square foot in calculating total living area.

For example, a rectangular house with full basement of dimensions 26 x 51 feet results in the calculated (rounded off) allowable maximum of 1989 square feet.

($26 \times 51 = 1326$ sq.ft.) The basement is the same size, namely 1326 sq. ft., but counts only 50%. So, $1326 = 663$ sq. ft. Then total living space is between main level and basement is $1326 + 663 = 1989$ sq.ft.)

2.7 GARAGE AND SHEDS. Garages of a maximum 500 square feet and sheds of 400 square feet (maximum shed roof height is ten (10) feet) are allowed. (Maximum garage height is 15 feet with a 3:12 pitch roof. If a flat garage roof, max height is 12 feet. None of these structures (main house, garage, shed or any other structures) can be within the setback areas of your lot. Both Park and City approvals are required for these buildings.

2.8 ROOF CONSTRUCTION/DESIGN. The purpose of controlling roof and dormer design is to ensure that, insofar as is possible, everyone in the Park has a view plane towards Aspen Mountain. While the view to Aspen Mountain is our most protected view, we also protect the views to the East, to the West, and to the North. Even though typically the East and West view may only be of the sky, it is still protected by how much a "standard" roof and dormer would restrain it as defined below.

You are not required to build a standard roof as defined below, but you must not inhibit any of your neighbor's view planes any more than a standard roof and dormer would inhibit it, and you must show that in your drawings. In order to seek a grant of a Variance by building outside these constraints, you are required to show limitations created by topography, natural obstructions or other hardship and show how much you will be violating your neighbor's protected view planes on all four (4) sides of your property. This includes solar panels or chimneys or satellite dishes. For example, if you do the standard roof to the full height, you will not be allowed to add 6 inches of solar panels. If you are going to have anything similar, you must show it on your drawings. As described (2.10) below.

A STANDARD ROOF AND DORMER ARE DEFINED AS:

The maximum height of the peak of the roof to the average ground elevation is fifteen (15) feet. The roof is of the type where the peak is in the middle of the roof and there is a minimum 3:12 roof pitch on both sides of the peak and the roof extends to the outside walls of the house.

Example: Based on a house footprint of a rectangle 24 X 55 feet

Per the above roof and dormer definition, maximum side-wall height is twelve (12) feet, fifteen (15) feet at the peak, twelve (12) feet to the eave from the peak dropping at three (3) inches per foot= 3 feet of drop, $15-3=12$ feet. If the house is wider, the eave would be slightly

lower, if narrower, slightly taller than 12 feet.

Dormers of the gable type are permitted on this basic roof which are of a "peak-type" (Gable ½ or full), meaning that the side walls of the gable (dormer) go from the ridgeline of the gable (dormer) to the main floor eaves level, and that the total width of the gable dormers at the eaves level does not exceed 25% of total house length (not including a garage if there is one) on each side. Also, the ridgeline of the dormer is at the roof height. (See Drawing B)

Any other dormer design that does not exceed this standard view plane obstruction may be acceptable. (See Drawing A) For example, if a shed-type dormer is desired, it is allowed as long as the view plane obstruction is no greater than the allowed gable view plane obstruction.

Snow stops are required where snow can slide onto potentially occupied areas such as walkways, parking areas, etc. or do damage to property such as utility meters. City Engineering Code requires you to keep your storm water on your property. Anything shedding off a roof requires a gutter in order to prevent it from going onto your neighbor's property.

Gutters are required to prevent stormwater discharge onto other properties and downspouts shall be directed onto your property.

Venting and exhausts shall be directed up through the roof toward the sky or onto your own property and shall not be directed into neighbor's yards whenever possible. Roof vents shall be depicted and sized for snow depth. They include but are not limited to exhaust vents, plumbing vents, dryer vents, radon vents, etc.

Exception: Homes configured primarily East to West. Most homes in the Park are configured North/South. If the long part of your house is configured East/West, you may have the equivalent of two dormers on the South side of your home only (the side towards Aspen Mountain). This means 50% of that side can be a dormer. If you do this design, it is a trade. You may not have this and a dormer on the North side of the home. Unlike the other dormers, this side can have a full shed-type dormer, meaning the 50% of the South wall (not counting a garage) can be at fifteen (15) feet, and your ridge can still be at fifteen (15) feet. See drawing D.

2.9 ROOF EAVES PLUS GUTTERS. Written approval from the affected neighbor will be required for any eave or gutter encroachment over the zero (0) lot line. Some older homes may have up to 14 inches encroaching onto their neighbor's lot.

This Rule exists mainly to protect older homeowners when most mobile homes were built with 12–14-inch eaves and prior to residents purchasing their lots in fee simple ownership.

2.10 NO SOLAR PANELS, DISHES, or the like can be roof-mounted so as to further obstruct the view planes described above for the standard roof and dormer design, excluding basic plumbing vents, basic furnace exhaust, etc. Under no circumstances is a rooftop DECK allowed.

2.11 BASEMENT WINDOWS ON YOUR ZERO (0) SIDE LOT LINE. Basement windows on your zero (0) lot line are discouraged. Because of your neighbor's normal use of his or her side yard for watering, gardening, storing snow and various other activities, any window can become a constant source of conflict. It is therefore highly suggested that instead of placing windows in this basement wall, you consider using glass blocks to get light when conditions allow. Some use glass blocks for an entire room wall to get light in. For example, glass blocks have been used successfully on the main house level for a bathroom in order to preserve visual and sound privacy.

2.12 MAIN LEVEL WINDOWS SUGGESTION. It is suggested that on your zero (0) lot line side, windows with a bottom edge of seven (7) feet from your neighbor's ground allow you to maintain visual privacy even with your window shades open. Windows that project or open up into your neighbor's setback area are not permitted as this would interfere with your neighbor's use of his or her setback area.

2.13 DECKS AND STAIRWAY ENTRANCES IN SETBACK AREA. Decks and stairway entrances less than 30 inches from grade and **no closer than six (6) feet** (regardless of height) to your neighbor's zero (0) lot line are allowed. See City of Aspen code regarding railings.

2.14 LANDSCAPING, MAINTENANCE, AND ACCESS. Any new work shall be approved with the requirement that the adjacent owner shall have access to the side of their home accessed through the neighbor's property to provide maintenance. Plantings adjacent to neighbor's homes shall be placed in a location to allow for appropriate growth and future access, as well as maintained (pruned) to allow for future maintenance by the affected neighbor. Existing landscaping shall be maintained to prevent damage to neighboring properties. Landscaping resources occurring on property lines are the shared maintenance responsibility of the homeowners where the resource occurs. Access permission by neighbor is required to enter another neighbor's yard. Reasonable access for maintenance is permitted with adequate notice. Smuggler Park BOD will intervene with any neighbor access disagreements for maintenance.

3.0 MAIN WATER SUPPLY LINES. In 2004-05 the Park had major infrastructure work done which included running the water supply lines in the middle of the road and adding tap lines and individual water meters to each lot. As of 2006 connections are at your expense. The Water Department is charging new tap fees for all new construction fixtures, including those that have been added and those that already exist on your house.

3.1 DURING CONSTRUCTION. Your limited common parking area (which is the land between your lot line and the street) and the street must be kept clean. There will be two warnings, and then fines will be imposed ranging from \$50 to \$500 for violations.

You must have your own dumpster for on-site construction or continuous removal by crew. Your limited common parking area (which is the land between your street side lot line and the curb) and the street must be kept clean. There will be two warnings and after the second warning fines ranging from \$50 to \$500 may be assessed for violations.

Water/power/gas/cable/phone/utility/other lines must be located before excavation begins to avoid damage to them.

CONSTRUCTION CREW VEHICLES CANNOT BLOCK STREETS. Architectural Committee must be notified when the excavation for the bottom of the footers is complete in order to allow an agent for Smuggler Park to determine whether or not the completed structure will be at the approved elevations, assuming construction follows the building plans submitted.

3.2 FENCES. Six (6) foot high fences on your lot are permitted with Architectural Committee approval. Refer to City of Aspen (Zoning Department) guidelines for City of Aspen fence code.

3.3 VARIANCES. Variances are possible with approval of the Board of Directors. The Architectural Committee will recommend or not recommend approval by the Board. Approval by adjacent neighbors is a consideration, but does not necessarily impact Variance approval, as future neighbors may not desire such approval. *"The BOD of the Association may allow variances from compliance with any of the terms or provisions of this Declaration when circumstances such as topography, natural obstructions or hardship may require. See Protective Covenants Article IX Variances. Page 16.*

3.4 EASEMENTS ON NEIGHBOR'S LOT AND USE OF NEIGHBOR'S LOT AREA FOR CONSTRUCTION or any other reasons (permanent or temporary) require a binding written agreement between you and your neighbor. Otherwise, future disputes between owners may result, with possible severe financial impacts. The Park does not have anything to do with these agreements.

No structures of any kind shall be allowed on any easement reserved to the Smuggler Homeowner's Association or any other entity. The landscaping of any easement shall be approved by the Architectural Committee.

3.5 SMUGGLER CODE REQUIREMENTS VERSUS CITY CODE

REQUIREMENTS. THE MORE RESTRICTIVE OF THE TWO REQUIREMENTS (USUALLY SMUGGLER PARK'S) ARE IN EFFECT EXCEPT IN SOME CASES SUCH AS EAVE OVERHANGS.

ORDINANCE NO. 12 (SERIES OF 2016). Please refer to Page 2 of 3 Section 2: Planned Development Agreement which refers to porch size requirements of 25 sq. ft. with a minimum depth of 4 feet; principal window size requirements being reduced to 2 ft. x 4 ft.; ADU's, and garages being no more than fifty percent (50%) of the width of the front façade of the building. **Read entire Ordinance No. 12, Series of 2016.**

3.6 NOTIFICATION OF NEIGHBORS REGARDING VARIANCES. THE FOUR PROPERTY OWNERS ADJACENT TO YOUR LOT (NORTH, SOUTH, EAST, AND WEST) MUST BE NOTIFIED OF YOUR PENDING BUILDING APPLICATION IF YOU ARE REQUESTING A BUILDING VARIANCE.

They must be informed as to when the Architectural Committee is viewing, discussing, and/or approving your application at a meeting so they can attend and voice their concerns if they so desire. The four homeowners should sign a letter stating they have been notified of the variance request and schedule of meetings so they can attend if they wish. This must be done as any Variance approvals given may be voided if it is found that this notification was not given to the neighbors.

3.7 SURVEY PINS/MARKERS. Until all construction is completed. Three (3) of the four (4) surveyed corner pins/posts/markets must be maintained in their proper location and visible at the request of the Park Manager, Architectural Committee or its agents.

3.8 SETTING OF A MOBILE HOME, SKIRTING. Per applicable City of Aspen Building and Municipal Codes and Smuggler Park Rules and Regulations, no manufactured or site constructed homes under 500 square feet are permitted in Smuggler Park. Any and all homes must be constructed in accordance with the City of Aspen Building and Municipal Codes and placed upon a permanent foundation and connected to required utilities including plumbing, heating, ventilation, and electrical systems. Any manufactured home shall fully comply with Smuggler Park Architectural Guidelines as described for all structures and improvements.

3.9 RETAINING WALLS. If your property borders on a retaining wall, you may not alter it, add to it, or touch it in any other way without a stamped drawing and or plan from a licensed engineer. This must be submitted to the Architectural Committee for final approval.

4.0 UTILITIES. In the course of new construction, the builder is responsible for routing utilities to the new home. You may run utilities in your neighbor's yard if it is within three (3) feet of your home. The setback is designed to be utilized for utilities. However, nothing in regard to utilities may be above ground on your neighbor's property unless the HOA Board or Architectural Committee deems it the only option available. Any damage done to the neighbor's yard in the course of construction must be restored to its original state by the builder, unless there is an agreement between the two property owners indicating otherwise.

5.0 PROCEDURE FOR APPROVAL OF STRUCTURES, DEADLINES, ETC.

5.1 INITIAL REVIEW. It is suggested that homeowners consult with the Board at the monthly meeting for clarity on interpretation of Architectural Committee Guidelines before proceeding with the design of their home.

5.2 SUBMISSION OF FINAL DESIGN FOR APPROVAL After the homeowner submits his/her plans, the Architectural Committee will have a reasonable time of not less than ten (10) days to determine if the submission is complete or incomplete. Once the submission is complete and approved via email by the Chairperson of the Architectural Committee, thereafter the Architectural Committee has a maximum of forty-five (45) days to review the submission. After 45 days, the submission is automatically approved provided all building guidelines are met. See *attachment: Submission check list*

5.3 FINAL MEETING FOR APPROVAL. There will be a final meeting for the approval. All surrounding neighbors must be notified in writing by the homeowner of the date and time of the meeting and given the option to attend the meeting. The homeowner must provide the neighbors' signatures, printed names and addresses on the plans showing that they approved or disapproved of the design. Any concerns of the neighbors will be taken into consideration as the Architectural Committee approves or disapproves the design.

6.0 FORMATION AND FUNCTION OF the ARCHITECTURAL CONTROL COMMITTEE

The Architectural Committee will be run in accordance with the provisions of Article III B of the Governance Policy regarding Board Meetings

6.1 MEMBERS OF THE ARCHITECTURAL COMMITTEE SHALL BE VOTED IN BY THE SMUGGLER HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS.

There shall be 5 members of the Architectural Committee as stated in ARTICLE VI, Section 1 of the 'DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF SMHPA.'

3 members will be sufficient for a quorum in order to hold meetings to determine the following:

- 1) Acceptance of completed project plans for the purpose of beginning the review process
- 2) Approval to begin building of the project
- 3) Possible rejection for non-compliance and/or referral to the Board of Directors for a variance hearing
- 4) Approval upon completion

6.2 THE COMMITTEE SHALL SELECT A CHAIRPERSON. The chairperson shall run the meetings and deliver the committee decisions to the building applicants in the park. The chairperson can designate another member to perform this task. The chairperson has the authority to break a tie regarding any decision voted upon by the committee.

6.3 MEETINGS WILL BE RUN IN ACCORDANCE WITH PARLIMENTARY PROCEDURE. The chairperson will declare who has the floor. No one will interrupt until the chairperson determines that the person with the floor is complete. The chairperson has the discretion to end discussion as he/she sees fit.

6.4 THE COMMITTEE MAY SELECT A NEW CHAIRPERSON AT ANY TIME WITH A MAJORITY VOTE. The ACC can vote to remove a member at any time as it sees fit with a majority vote of 3 members. The SHOA Board of Directors can vote to remove and add members at any time.

6.5 THE ACC WILL TYPICALLY MEET THE LAST WEDNESDAY OF EACH MONTH AT THE DISCRETION OF THE CHAIRPERSON (PROVIDED THERE IS SOMETHING FOR DISCUSSION)

As projects are submitted, the ACC can discuss and analyze them via e-mail. The intention is that the ACC will not discuss applications in front of owner applicants, in meetings or by e-mail. The ACC will agree by vote on a decision and the chairperson will deliver the decision to the applicant.

Dated this _____ day of _____, 2021.

ARCHITECTURAL CONTROL COMMITTEE OF SMUGGLER PARK SUBDIVISION

_____ (Chairperson) _____
