

**MAROON CREEK CLUB  
DESIGN GUIDELINES**

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Prepared By:

Design Workshop, Inc.

**MAROON CREEK CLUB DESIGN GUIDELINES**

**2010 EDITION**

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## I INTRODUCTION

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People come to the mountains in part to escape big city stress, congestion, pace, noise, ugliness and even violence. However, the primary motivation is to experience nature: clean water and air, trees, wildlife, alpine vistas, and the relaxed small town atmosphere that characterizes mountain communities. Idealized expectations probably exclude development; we imagine nature overwhelmingly predominant. It is difficult to over emphasize the significance of these expectations in the development process. Mountain visitors do not want to see big roads, big parking lots, self conscious buildings and intrusive advertising. They expect small, unobtrusive development that is subservient to the surroundings rather than competing with the environment for attention. Recognition of this fundamental desire dictates the primary goal of the guidelines; that all development should be of sound architectural design, fit comfortably with the natural setting, have minimal visual impact, be small in scale (buildings, roads, parking), constructed with colors and materials drawn from nature and with disturbed areas made compatible with the natural landscape.

Aspen is a premier mountain community for the above reasons plus world class skiing, first rate cultural resources (music, dance, theater, arts etc.) intellectual pursuits (the Aspen Institute, the Physics Institute etc.), a complete palette of mountain recreation activities, unparalleled shopping and dining, optimum air access, and a stable investment setting. In addition, community-imposed growth controls have successfully preserved the scenery and avoided the suburbanization ills exemplified by other mountain communities, notably Vail, Breckenridge-Dillon-Keystone, Estes Park etc. Large highways, strip development, "theme" architecture and severely scarred landscapes have seriously eroded the small town qualities of these and many other communities. In contrast, Aspen has retained it's 19th century charm in spite of significant growth, most of which has been character-compatible and of very high quality, resulting in the most desirable mountain community in the USA.

The architecture developed in Maroon Creek should reflect the natural, quiet mood of Aspen through choices of natural materials and colors, and maintenance of a harmonious scale relationship between the buildings and their surroundings. Most building sites are visible from many directions and distant locations across the valley, therefore it is important that our building at Maroon Creek be the building of a neighborhood among the Aspen.

Maroon Creek is the only property in the valley with a natural setting, access to skiing, proximity to town and the airport, on-site golf, tennis and club facilities with a high level of privacy and exclusivity. This combination of attributes is absolutely unique in the Aspen/Snowmass area and because of Aspen's national pre-eminence, one-of-a-kind in the U.S. mountain resort business.

These guidelines build on the unique character and location of Maroon Creek emphasizing the mountain landscape and downplaying development to be clearly subordinate to the natural surroundings. Homes built here can and should be a seriously considered architectural opportunity to express the owner's tastes for sequestered privacy, discovery and the delight of restrained understatement. Thematic or style statements that dilute and confuse a timeless sense of place are not a part of the building of an Aspen neighborhood. The intent is to foster a harmonious relationship between nature and the built environment whereby nature predominates and development derives its forms, scale, colors and materials from the regional palette. The golf course, buildings, road, ponds and streams, walls and trails are nestled in the landscape with minimal disturbance to existing vegetation and extensive re-planting of disturbed areas. Residential lots and parcels have designated building envelopes to ensure on-site protection of natural vegetation and to provide space for new plantings for privacy, enhanced street quality, and both screening and forest continuity as seen from off-site. Lot area outside the building envelopes and within setbacks will be required to be forested, either with existing or new planting of the species, sizes and quantities specified in the guidelines.

## II PURPOSE OF THE GUIDELINES

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The project is located at the base of the Tiehack ski mountain in a remarkably beautiful Alpine setting. The purpose of these guidelines is to direct development in ways that enhance the attractiveness of its setting. Specific objectives of the guidelines are:

- A. Retain the natural character of the site
- B. Maximize the perceived open space
- C. Optimize views and privacy
- D. Minimize visual impact from on and off the site
- E. Conform with county building code and the provisions of the PUD approvals
- F. Recreate the forested setting

These guidelines include statements of intent as well as requirements. Intent statements describe the features and qualities, sometimes unmeasurable, that are desirable. Requirement statements describe the features and qualities that are absolutely required. Intent statements are located at the beginning of each section. Please note that these guidelines must be adhered to; even in the case that they prevent a home from being built to the maximum floor area permitted under County approvals.

### III INTENT AND REQUIREMENTS

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These Guidelines include statements of intent as well as requirements. Intent statements describe the features and qualities, sometimes unmeasurable, that are desirable. Requirement statements describe the features and qualities that are absolutely required. Intent statements are located at the beginning of each section. Please note that these guidelines must be adhered to, even in the case that they prevent a home from being built to the maximum floor area permitted under County approvals and City requirements.

### IV SITE AND ARCHITECTURE REVIEW COMMITTEE [“SARC”]

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#### A. Site and Architecture Review Committee

The Site and Architecture Review Committee (SARC) review process is an internal procedure to ensure conformance with the following Design Guidelines and is in addition to the building permit approval process of City of Aspen. The designer/owner will be required to provide appropriate information for each of four steps in the process which is mandatory for the following activities:

- New construction within any lot.
- The renovation, expansion or refinishing of the exterior of an existing structure.
- Modifications to existing, natural, or previously approved and installed landscape elements.
- Any other modifications that may have visual impact.

#### B. The SARC will be composed of at least three representatives appointed by the Board of Directors of the Homeowners Association and be responsible for:

- Assisting Realtors, potential designers, and potential buyers in understanding the intentions of the guidelines and the views of the SARC by conducting appropriate communication with applicants and applicant's representatives.
- Review of proposed construction projects for conformance with the guidelines.
- Approve/approve with conditions/disapprove elements of the proposed plans.
- Provide relief from specific elements of the guidelines in cases of unreasonable hardship.
- Monitor construction projects for conformance.
- Retain and direct a professional designer as a committee member (when applicable).
- Propose amendments to the guidelines for consideration of the HOA.

#### C. SARC Meetings:

1. SARC typically schedules meetings to review architectural applications on a monthly basis. Meetings are generally held on the third Thursday of each month and start at 3:00 PM. Meeting times and dates are subject to change, however, and applicants should contact the Architectural Advisor as early as possible to confirm the schedule of upcoming meetings.
2. The deadline for submitting applications for SARC review is two weeks prior to the meeting; typically the first Thursday of each month.
3. Plans and applications should be submitted to the Architectural Advisor, William Lukes AIA, The Lakeside Studio, 801 Lakeside Drive, Carbondale, Colorado 81623-3109. Meetings typically start at 3:00 PM with site inspections, followed by design reviews in the Club's private dining room; occasionally site inspections will start earlier than 3:00 during the winter months. All homeowners are welcome to attend SARC meetings.
4. Plans and other documentation submitted to SARC for any review must be received by SARC's Architectural Advisor by 5:00 PM local time as specified for each review under Basic Steps. Any revisions to the submitted plans will not be considered at the meeting.

**Please note: SARC meetings are held on a regular basis. Receipt of all required application documents by the specified deadline in advance of each meeting is mandatory and will not be waived by SARC.**

5. The applicant will present his or her design to the SARC according to procedures established by the committee chair. The applicant or architect generally will be present during the committee's discussions. The applicant will also be notified of the committee's findings in writing shortly after the conclusion of each review. The SARC may undertake measures established by the homeowner's association for enforcement of these guidelines at any time after it has denied or granted approval, or finds construction to be inconsistent with its approvals. The bylaws of the homeowners association should be consulted for the proper enforcement authority and procedures.

## V DEPOSITS AND FEES

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### A. SARC Deposits and Fees

1. The Association has established a schedule of Deposits and Fees for all improvements requiring approval by SARC. Deposits and Fees must be paid in full to the Association at the time that plans are submitted for review and SARC will not consider an application for Preliminary or Final Approval until the required Deposit or Fee is received.
2. Effective as of the date of adoption of this document by SARC, the following schedule of Design Review Fees and Deposits is in effect:

- a. **SARC DEPOSITS FOR NEW PROJECTS:**

This is a deposit made to the Association to cover the costs that the Association incurs for the services of SARC's Architectural Advisor and, when needed for a particular review or project, SARC's attorney, engineers, and other professionals. SARC will determine the hourly rates and charges for related expenses that are to be charged to the SARC deposit and may adjust those rates and charges annually.

If the amounts charged to the project, through the time that the Construction and Completion Guaranty funds are returned to the property owner and the project is closed out by the Association, are less than the SARC Deposit, then the remainder will be returned to the property owner at the time that the Association agrees to release the security under the Guaranty. The property owner or designee may request copies of invoices that are submitted to SARC and a summary of charges against their SARC Deposit, but the SARC shall be solely responsible for approving payments to the consulting professionals and determining the charges against SARC deposits.

If the charges to the project by the Association during that time period exceed the SARC Deposit at any time, then the property owner will be required to increase the SARC Deposit. The property owner will be billed by the Association for amounts necessary to provide an adequate Deposit, as solely determined by the Association, and payment(s) will be due upon receipt of the invoice(s). The Association shall have the right to draw upon any funds or security held pursuant to the Construction and Completion Guaranty to pay any such outstanding invoices if payment is not received within 30 days of the date of the invoice(s).

NEW HOUSES	\$ 15,000. Deposit
ADDITIONS & NEW STRUCTURES	\$ 7,500. Deposit
EXTERIOR REMODELING & CHANGES	\$ 5,000. Deposit
LANDSCAPE & SITE CHANGES	\$ 5,000. Deposit

#### ADMINISTRATIVE REVIEWS

Administrative Reviews will be allowed when projects are in complete compliance with the Design Guidelines and are not likely to negatively impact any other homeowners within Maroon Creek Club or Association interests, as determined by the Architectural Advisor and the Chairman of SARC.

Minor Landscape changes	\$ 500. Fee
Other Minor changes	\$ 1,000. Fee

- b. Deposits and Fees are cumulative for projects involving a number of elements in the above categories.
- c. Plans which are submitted without the required documents and information, including payment of the SARC Deposit or Fee, will not be put on a meeting agenda nor reviewed until such time as the application is complete.
- d. The above Deposits and Fees are for work for which approval is sought prior to construction of that particular work, or prior to construction of a change.
- e. Fees are doubled for any work which is constructed without prior approval. In addition, each unapproved construction change will be charged a separate (doubled) fee if approval is not sought beforehand, rather than allowing "packaging" of multiple changes.

## **B. Road Impact Fee**

1. As provided by Section X [Construction Management], Paragraph H, of the Design Guidelines, all construction projects shall be required to pay a road impact fee of \$1.25 per square foot of building. The floor area included in the calculation of this fee shall be gross square footage of interior space measured to the outside finish face of exterior walls, including all basement, sub-grade, mechanical and garage spaces.
2. The impact fee is to provide replacement reserve funds to repair or replace paving and road improvements whose normal service life is accelerated due to construction activity using normally loaded, rubber tired trucks and vehicles; it does not include costs for actual damage from overweight vehicles, use of any tracked equipment on Maroon Creek roads at any time, and damage due to the negligence of any contractor. Costs for these items are over and above the road impact fee and will be due to the Association as an additional impact fee.
3. Payment of the Road Impact Fee shall be made to the Association at the time that plans are submitted for Final Approval.

**Important note: Plans which are submitted without the required documents and information, including payment of the Road Impact Fee, will not be put on a meeting agenda nor reviewed until such time as the application is complete.**

## **C. Compliance and Construction Completion Guaranty**

1. The document previously referred to as the "Maroon Creek Club Master Association Landscape And Grading Completion Guaranty" has been replaced by the "Maroon Creek Club Master Association Compliance and Construction Completion Guaranty". This document requires either a cash deposit, letter of credit, or other negotiable security to ensure the satisfactory completion of all approved construction and landscaping.
2. The agreement requires security in the amount of One Hundred Thousand Dollars [\$100,000.00] for a term that is defined in the Compliance and Construction Completion Guaranty. The form document may be downloaded from the Maroon Creek Club web page at [www.williamlukes.com](http://www.williamlukes.com).
3. The agreement must be completed and executed, and the security provided, at the time that plans are submitted for Final Approval.

**Important note: Plans which are submitted without the required documents and information, including execution of the Compliance and Construction Completion Guaranty along with delivery of the associated security, will not be put on a meeting agenda nor reviewed until such time as the application is complete.**

## **VI DESIGN REVIEW PROCEDURE**

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### **A. General Procedures**

1. SARC approvals will be evidenced by a letter from SARC or its Architectural Advisor that will include the scope of the approval, any conditions of the approval, and the date that the approval was granted. No approvals will be given verbally or in any other informal manner, and only a letter and approved

drawings from SARC or its Architectural Advisor shall constitute an approval by SARC.

2. Final [Construction Document] Approval, evidenced by a letter from SARC or its Architectural Advisor, must be received prior to the start of any excavation, grading, clearing, construction, or removal of existing plant materials. All required fees and deposits must also be paid to the Association prior to the start of any work on site.
3. Viewing platforms or other improvements or modifications of any sort, including removal of any grasses, plants or trees, whether dead or alive, may not be constructed or located on any property without the written approval of SARC.
4. Plans for structures or improvements which have been received by SARC will be available at the local office of the SARC Architectural Advisor for review by interested neighbors; for privacy reasons, plans will not be copied or mailed to interested parties. Neither SARC nor the Master Association has any requirement to notify any property owners or neighbors of plans which have been submitted for approval.

## **B. Approval Process**

### **Pre-application Meeting**

The lot owner [optional] and their architect [required] should contact the Architectural Advisor at the earliest possible time, at least 2 weeks prior to submitting an application for construction of any new structure or improvement, and request a Pre-application Meeting with the Advisor. The purposes of the meeting will be to 1) ensure that the Owners and their architect are aware of the documents and approval process governing all construction at Maroon Creek Club, 2) discuss the concept and intent of the Design Guidelines, and 3) answer any questions.

### **Preliminary [Schematic] Review** [refer to Paragraph 5.3 of the MCC Protective Covenants]

The Preliminary or Schematic Review is perhaps the most involved and significant of the reviews, as it is at this stage that direction will be given by SARC on the general design concepts, architectural vocabulary, massing, size, location, and site utilization of the proposed project. Conceptual landscaping requirements and compliance with the Master Landscape and Grading Plan [MLGP] of the Design Guidelines will also be addressed. The lot owner or designee shall submit the following documents to SARC [c/o the Architectural Advisor] fourteen [14] days prior to the next scheduled meeting for review at that meeting:

1. Drawings. Three [3] copies of the following drawings on 24"x36" or 30"x42" sheets:
  - (a) Survey showing all lot lines, applicable setbacks and building and development envelopes, existing structures and trees, 2 foot contours [covering at least the development envelope], and easements. Site elevations must be shown in actual feet above sea level or referenced to such elevation in order to show compliance with the requirements for floor elevations.
  - (b) Site Plan showing proposed structures, proposed grading changes, and elevations of all main floor levels in relationship to existing grades.
  - (c) Floor plans at 1/8" or 1/4" scale.
  - (d) Exterior elevations of at least the four main building elevations at 1/8" or 1/4" scale. Dimension or show the following;
    - Heights of main roof elements from existing grades to roof midpoints and ridges per the County methods of calculating heights.
    - County maximum heights to roof midpoints and ridgelines [currently 28' and 33'] by means of a dashed lines from property line to property line.
    - Heights of existing vegetation
    - Heights to eaves per the Design Guidelines
    - Existing and finish grades to the building and development envelope boundaries
    - A transparent or translucent overlay shall be submitted for all exterior building elevations required for Design Development Review. The overlay shall show the height and spread of all new trees proposed on the Landscaping Plan, as they will be upon initial planting, as well as the approximate height and spread of existing trees for superimposition on the exterior elevations. Alternatively, a second set of exterior elevations may be submitted which shows the existing and new trees.
  - (e) Roof plan at the same scale as the floor plans
  - (f) Schematic Landscape Plan showing, at a minimum, all existing trees over 2" caliper and areas of existing vegetation, and the number, heights and species of trees proposed in order to comply with the site specific requirements of the MLGP.
2. One copy of the above drawings reduced to a maximum of 11" x 17".

3. A list of proposed materials and colors, or annotations on the drawings.
4. A study or massing model of all proposed structures and the existing or finish grades, built to a minimum scale of 1/8 inch = 1 foot.
5. The required Design Review Fee and a signed copy of the Pre-application Meeting letter provided by the Architectural Advisor.
6. A copy of the last page of the Design Guidelines with a completed Owner Acknowledgment.

### **Staking Review**

Upon receipt of all of the documents required in Step 2 above, the Architectural Advisor will determine the locations of story poles to be erected by the Owner prior to the date of the meeting at which the project will be reviewed. The Architectural Advisor will advise the Owner's architect of the number and locations of story poles which will be, at a minimum, each corner of the residence and other structures indicating the height of the top of the roof at these locations, the highest points of all main ridgelines and other elements, and the corners of the building and development envelopes. Story poles must be in place by the day before the day of the Preliminary [Schematic] Review, and they should be removed only when approved by SARC.

Story poles are required in order to assist SARC members in their understanding and evaluation of the following:

- ✓ Overall building design and massing
- ✓ Visual impacts
- ✓ Required landscaping
- ✓ Building heights relative to maximum heights allowed by the local government.

### **Design Development Review**

The purpose of the Design Development Review is to evaluate any design changes that may have been made since Schematic Approval, either in response to input from SARC or at the owner's direction. If no exterior changes have occurred in the design and SARC did not specifically request a Design Development Review or have design conditions attached to the Schematic Approval, the owner may, at its option, elect to proceed to Final Review.

The lot owner or designee shall submit the following documents to SARC [c/o the Architectural Advisor] fourteen [14] days prior to the next scheduled meeting for review at that meeting:

1. Drawings. Three [3] copies of the following drawings on 24"x36" or 30"x42" sheets:
  - (a) Survey showing all lot lines, applicable setbacks and building and development envelopes, existing structures and trees, 2 foot contours [covering at least the development envelope], and easements. Site elevations must be shown in actual feet above sea level or referenced to such elevation in order to show compliance with the requirements for floor elevations.
  - (b) Site Plan showing proposed structures, proposed grading changes, and elevations of main floor levels in relationship to existing grades.  
Show any proposed permanent fencing, construction fencing, and a construction vehicle parking plan. Show driveway materials.
  - (c) Landscaping Plan as required to show compliance with the Design Guidelines, including locations of existing vegetation, vegetation to be removed, species, calipers and heights of proposed landscaping materials, and protection fencing and other protective measures. Specifically identify or highlight all landscape elements required by the Design Guidelines and the Master Landscaping and Grading Plan.
  - (d) Floor plans for all floors at 1/8" or 1/4" scale.
  - (e) Exterior elevations of all building elevations at 1/8" or 1/4" scale. Dimension or show the following:
    - Heights of main roof elements from existing grades to roof midpoints and ridges per the County methods of calculating heights.
    - County maximum heights to roof midpoints and ridgelines [currently 28' and 33'] by means of a dashed lines from property line to property line.
    - Heights of existing vegetation
    - Heights to eaves per the Design Guidelines
    - Existing and finish grades to the building and development envelope boundaries
    - A transparent or translucent overlay shall be submitted for all exterior building elevations required for Design Development Review. The overlay shall show the height and spread of all new trees proposed on the Landscaping Plan, as they will be upon initial planting, as well as the approximate height and spread of existing trees for superimposition on the exterior elevations. Alternatively, a second set of exterior elevations may be submitted which shows the existing and new trees.
  - (f) A minimum of two Building Sections showing the depth and width of proposed excavations

- and the measures proposed to confine the excavation to the building envelope.
- (g) Roof plan at the same scale as the floor plans
- (h) Product data and locations of all exterior lighting, including landscape lighting.
- B. One copy of the above drawings reduced to a maximum of 11" x 17".
- C. A list of proposed materials and colors, or annotations on the drawings. Samples of all materials in the actual color(s) proposed.
- D. The study or massing model that was prepared for Preliminary Review.
- E. A copy of the last page of the Design Guidelines with a completed Owner Acknowledgment.

**Final [Construction Document] Review and Design Development Landscape Review** [refer to Paragraph 5.4 of the MCC Protective Covenants]

- A. Final drawings must be the same drawings submitted to the City of Aspen for a building permit and must be stamped and signed by an Architect currently licensed in the State of Colorado.
- B. The lot owner or designee shall submit the following documents to SARC [c/o the Architectural Advisor] fourteen [14] days prior to the next scheduled meeting for review at that meeting:
- C. Drawings. Three [3] copies of the following drawings on 24"x36" or 30"x42" sheets:
  - (a) Survey showing all lot lines, applicable setbacks and building and development envelopes, existing structures and trees, 2 foot contours [covering at least the development envelope], and easements. Site elevations must be shown in actual feet above sea level or referenced to such elevation in order to show compliance with the requirements for floor elevations.
  - (b) Site Plan showing proposed structures, proposed grading changes, and elevations of main floor levels in relationship to existing grades.  
Show any proposed permanent fencing, construction fencing, and a construction vehicle parking plan. Show driveway materials.
  - (c) Landscaping Plan as required to show compliance with the Design Guidelines, including locations of existing vegetation, vegetation to be removed, species, calipers and heights of proposed landscaping materials, and protection fencing and other protective measures. Specifically identify or highlight all landscape elements required by the Design Guidelines and the Master Landscaping and Grading Plan.
  - (d) Floor plans for all floors at 1/8" or 1/4" scale.
  - (e) Exterior elevations of all building elevations at 1/8" or 1/4" scale. Dimension or show the following:
    - Heights of main roof elements from existing grades to roof midpoints and ridges per the County methods of calculating heights.
    - County maximum heights to roof midpoints and ridgelines [currently 28' and 33'] by means of a dashed lines from property line to property line.
    - Heights of existing vegetation
    - Heights to eaves per the Design Guidelines
    - Existing and finish grades to the building and development envelope boundaries
    - A transparent or translucent overlay shall be submitted for all exterior building elevations required for Final Review. The overlay shall show the height and spread of all new trees proposed on the Landscaping Plan, as they will be upon initial planting, as well as the approximate height and spread of existing trees for superimposition on the exterior elevations. Alternatively, a second set of exterior elevations may be submitted which shows the existing and new trees.
  - (f) A minimum of two Building Sections showing the depth and width of proposed excavations and the measures proposed to confine the excavation to the building envelope.
  - (g) Roof plan at the same scale as the floor plans
  - (h) Product data and locations of all exterior lighting, including landscape lighting.
- D. One copy of the above drawings reduced to a maximum of 11" x 17".
- E. A list of proposed materials and colors, or annotations on the drawings. Samples of all materials in the actual color(s) proposed.
- F. The study or massing model that was prepared for Preliminary Review.
- G. A written certification, signed by the Architect who signed the drawings, as to the floor area square footage for any home or townhome, as required by Paragraph 3 of the Subdivision Improvement Agreement for Maroon Creek Club, dated September 2, 1993. Floor areas shall be calculated and reported in two ways; 1) as required by the project approvals for the Maroon Creek Club to correspond to the maximum allowed floor areas, as determined by the method used by the local governmental authority responsible for the issuance of building permits at the Maroon Creek Club, and 2) gross

- square footage for all interior space, measured to the outside finish face of exterior walls, including all basement, sub-grade, mechanical and garage spaces.
- H. Upon receipt of all of the above materials in the required format, SARC will send the lot owner a letter stating that the application is complete or that additional materials are required.
  - I. A copy of the last page of the Design Guidelines with a completed Owner Acknowledgment.

### **Final Landscape and Irrigation Plan**

It is intended that final landscape plans generally be prepared and reviewed after final architectural approval is received. If SARC did not specifically include Final Landscape Approval as a result of the Final Review in Step 5, a condition of the Final Architectural Approval is that the property owner agrees to submit complete landscape and irrigation plans within 45 days of the date of the meeting at which Final Architectural Approval is given by SARC, for further review and approval by SARC.

This condition of all Final Approvals which do not include Final Landscape Approval includes an agreement by the owner to sign a stipulation on the form that has been prepared by the Association, by which the lot owner agrees to immediately stop all construction on the site upon receipt of written notice from the Association requiring owner to do so, and to obtain the written approval of SARC for a final landscape and irrigation plan prior to resuming any construction activity on the site. This form is available on the Maroon Creek Club web page at [www.williamlukes.com](http://www.williamlukes.com)

### **Pre-construction Staking Review**

Upon Final Approval by SARC, and prior to the start of any on-site mobilization, earthwork, excavation or actual construction, the lot owner or their architect will contact the Architectural Advisor and request inspection and approval of the construction staking and fencing and protective measures by SARC.

All approvals by SARC are contingent on conformance with the approved locations of building and landscape elements, construction fencing, and protection of existing landscape elements.

### **Final Landscape Review**

All Landscape Approvals are subject to a site inspection at the completion of roof framing for the project, at which time SARC will confirm or finalize the number, sizes, species, and locations of required trees. SARC may, at its option, require additional trees or vegetation.

## **C. Final Inspection**

1. After obtaining a Certificate of Occupancy from the City of Aspen, the lot owner or designee will provide SARC with a copy of the Certificate of Occupancy prior to requesting a Final Inspection.
2. At the same time as the Certificate of Occupancy is provided to SARC, the lot owner or designee will also provide 2 copies of an Improvement Survey of the entire property, signed and stamped by a surveyor licensed in the State of Colorado and dated within 90 days of the request for Final Inspection. The Improvement Survey must show all envelopes and setbacks and all constructed improvements, including locations of structures, roof overhangs, driveways, paths and walkways, decks and terraces, and hardscape areas.
3. All work shown on the approved plans must be complete before the inspection is requested. At the conclusion of this review, the project will either be approved in writing or SARC will provide the Owner with a letter which lists those items which do not comply with the approved plans. The Owner will complete or modify the construction to comply with the approved plans within sixty [60] calendar days of the date of the letter.

## **D. Changes to Approved Plans**

Although it is implicit in the Covenants and Design Guidelines, SARC is hereby affirming that all construction [including building and other construction, grading, removal of existing vegetation, and landscaping] must be done according to plans which have been approved by SARC. **Should owners wish to obtain approval for proposed changes, they should contact the Association's Architectural Advisor, William Lukes AIA, at (970) 963-8025 and make arrangements for a review of the proposed changes.**

1. Failure to construct in accordance with approved plans or failure to comply with the approval process may result in forfeiture of some or all of the security under the Compliance and Construction Completion Guaranty.
2. All proposed changes to plans which have been approved by SARC, whether occurring before or during

construction, or after a house is completed and occupied, must be approved by SARC prior to starting the construction of the affected areas or components.

3. SARC has authorized the Architectural Advisor to review all requests to approve changes and, where the proposed change is consistent with the conditions of the Final Approval and would not negatively impact any adjacent property owner, to approve such requests administratively. If, in the opinion of the Architectural Advisor, the proposed change does not meet those criteria, the Architectural Advisor will schedule a review of the request at the next SARC meeting, for action by SARC.
4. Three copies of an explanatory letter and drawings describing the work should be submitted to the Architectural Advisor and, in the case of a proposed material or color change, two 12" x 12" samples of the actual material or color should be submitted.

## E. Monitoring of Construction Progress

In order to facilitate timely communication between SARC and owners with construction projects underway, SARC has authorized the Architectural Advisor to monitor construction projects periodically; these site visits will be in addition to the final inspections which are required by the Protective Covenants and which SARC evaluates as a precedent to any refunding of the Completion Guaranty after construction and landscaping has been completed.

1. The Architectural Advisor has been authorized to visit construction sites periodically, at intervals appropriate to the stage of construction, and report to SARC on any construction [usually that would mean exterior construction] which does not appear to conform to the approved plans. This is not an inspection service, but it is an opportunity for the architect or builder to raise any issues which may require an approval, discuss them informally, and find out how to expedite a review and approval.
2. In order to avoid misunderstandings, all approvals must be in writing and signed by either the Architectural Advisor or another representative of SARC. No approvals will be given verbally by the Architectural Advisor at site visits or other times.
3. The Board has unfortunately had to impose several fines for construction for which an approval from SARC was neither sought or obtained, and for construction which did not conform to the approved plans. The Board would like to remind all homeowners that the Association has a variety of review processes available to work with all sizes of requests and your schedule needs, and that our Architectural Advisor [William Lukes, Architect, The Lakeside Studio, phone (970) 963-8025] is always available to answer questions and assist you with the approval process, whether it is a minor change during the course of construction or a new home.
4. Please remember the following:
  - ⇒ All exterior construction and landscaping must be approved by SARC in advance.
  - ⇒ SARC will impose significant fines for unapproved construction or deviations from approved plans. Fines may include per diem fines for continuing violations.

## VII DEFINITIONS

### A. Lot Zones

The various areas of any lot must be treated with planting and construction in a manner appropriate to their position in the landscape. For example, the street edge must be treated differently than golf course frontage. Each lot is divided into either three or four zones as described below under VI.B., Definition of Lot Zones. The treatment required for each of these zones is described in Section VII, *Site Planning* as well as in Appendix A, *Master Landscape and Grading Plan*. In the townhouse lots [17, 18 and 50], the smaller lots at

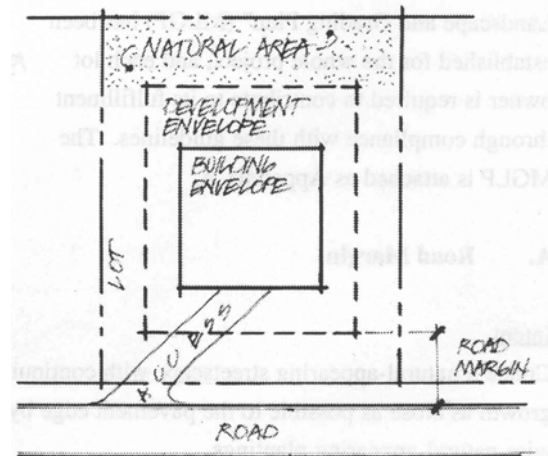


Figure 1

the Tiehack Base [13 and 19 through 40], and the Tiehack View Lots [46 - 48], the Development Envelope is the entire lot except the Road Margin [there is no Natural Area] and there are three zones. In the North and South Bench lots, all four zones exist.

**B. Definition of Lot Zones**

1. **Road Margin**  
The area between the paved road edge and the Development Envelope [for lots with platted Development Envelopes] or Building Envelope [all other lots].
2. **Natural Area**  
The area between the rear and side property lines and the rear and side Development Envelope boundary.
3. **Development Envelope**  
The maximum boundary available for construction activity. For Townhouse lots, Tiehack base lots, and Tiehack View lots, the entire property less the Road Margin constitutes the Development Envelope.
4. **Building Envelope**  
The area permitted for development and hard construction.

**C. CATEGORIES OF LOTS**

1. **North Bench Lots**  
Includes Lots 41 through 45. All of these lots are planned for 10,000 SF homes and have platted Development Envelopes.
2. **South Bench Lots**  
Includes Lots 1 through 12. All of these lots have platted Development Envelopes; the maximum house size varies.
3. **Lots with platted Development Envelopes**  
Lots with platted Development Envelopes include Lots 1 - 12 and 41 - 45.
4. **Tiehack Base Lots**  
Tiehack Base Lots do not have separately platted Development Envelopes. Tiehack Base Lots are Lot 13, Lot 16 and Lots 19 through 40. Maximum house size varies.
5. **Tiehack View lots**  
includes Lots 46 - 48. Tiehack View Lots do not have separately platted Development Envelopes and are planned for 6,000 SF homes.

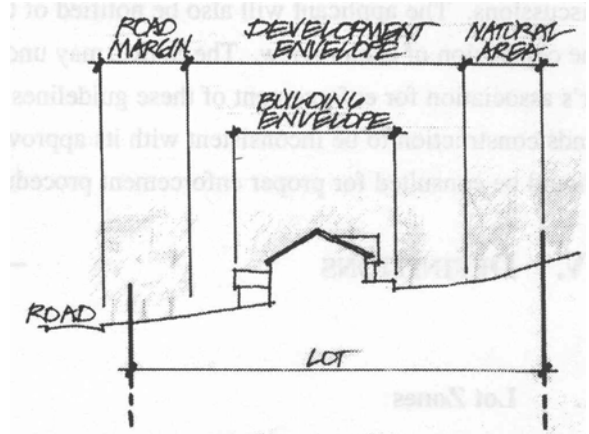


Figure 2

**General Intent:** Create a natural appearing landscape with continuity throughout the project. A *Master Landscape and Grading Plan* (referred to as the *MLGP*) has been established for the whole project, and each lot owner is required to contribute to its fulfillment through compliance with these guidelines. The *MLGP* is attached as Appendix A.

**A. Road Margin**

**Intent:** Create a natural-appearing streetscape with continuity throughout the project. Provide good plant growth as close as possible to the pavement edge by applying a small amount of irrigation to otherwise natural-appearing plantings. Maintain or re-create natural appearing grading and slopes. Berms and other obviously unnatural grading are strongly discouraged.

**Requirements:**

1. Grading and landscaping of the Road Margin are the responsibility of the lot owner and must be carried out in accordance with the *MLGP*.
2. Only planting indicated on the *MLGP* is permitted in the Road Margin. Plantings shown on the lot in the *MLGP* are the responsibility of the lot owner and must be carried out in accordance with the *MLGP*.
3. No slopes over 2:1 [horizontal: vertical] are permitted.
4. Irrigation is required in the Road Margin as well as in all other landscaped or disturbed portions of the lot, and its application must be adjusted to a minimum consistent with good plant growth.
5. No fences are allowed in the Road Margin.
6. No gates, entrance posts or columns or walls, mailboxes, or other similar improvements are allowed to be constructed in the Road Margin.
7. No trash enclosures may be constructed in the Road Margin.
8. One street address sign may be installed in the Road Margin with the approval of a specific design by SARC. The address sign may be illuminated if the light source provides only a low level of illumination and is completely hidden from all public ways and lots.

**B. Natural Area**

**Intent:** Provide for a continuous natural-appearing landscape and golf landscape surrounding the rear and side areas of lots. Maintain or create an area of naturalized visual continuity among and between homes. Utilize appropriate plant materials to enhance privacy between homes without blocking neighbor's views and to provide visual screening of the home from distant viewpoints, especially from other areas of the Maroon Creek Club and from the golf course. Satisfy the requirements of Pitkin County's project approvals. Minimize irrigation to that necessary to sustain healthy plant growth. Over watering will generate the growth of a set of non-native species, inharmonious with the surrounding landscape.

**Requirements:**

1. Construction activity is prohibited except for:
  - Buried utility lines, where disturbed areas are later re-vegetated
  - Necessary access driveways
  - Golf-related construction within golf course easements
  - Plantings shown on the *MLGP*
2. Construction activity and destruction of existing vegetation must not occur in any portion of the Natural Area unless the Development Envelope is less than 10 feet from the Building Envelope on a specific side of the property and construction activity requires disruption of the Natural Area, and then only upon submission of a specific excavation plan and protective fencing plan, and with the approval of SARC.
3. The Natural Area must be maintained in its natural condition or, if construction in the zone has been approved by SARC, returned to the natural condition appropriate to the location of the lot within the larger natural landscape after such construction. Landscape shall be maintained in the following configurations:
  - Tall grasses in upland areas
  - Sage, dryland grasses and oak brush on south facing slopes
4. Aspen and Spruce trees shall be densely planted according to the *MLGP* where they do not obscure the views from neighboring properties.
5. Irrigation may be provided only to the extent necessary to sustain healthy plant growth.
6. No lighting or signage of any type is permitted in the Natural Area.

7. No clearing or removal of vegetation is permitted without the prior approval of SARC.
8. No permanent or temporary structures are permitted in the Natural Area. No walls, paved areas, walkways, fences, swimming pools or spas, or any other improvements may be constructed or placed in the Natural Area, except as may be specifically approved by SARC.
9. Any modifications or additions to the existing vegetation, including irrigation, must be approved in advance by SARC.

**C. Development Envelope**

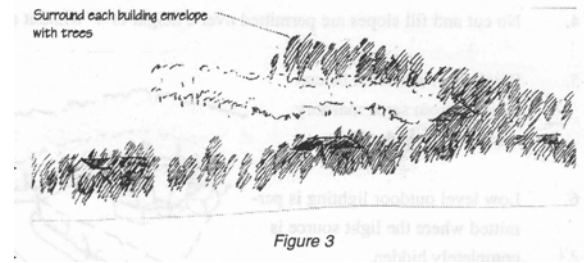
**Intent:** The purpose of the Development Envelope is to create a transition between the Building Envelope and the Natural Area where outdoor living and individualized landscaping may occur, and where necessary and temporary construction activity such as excavation, construction material storage, and staging may occur, but where structures will not be allowed. Lots 1 - 12 and Lots 41 - 45 have a separate Development Envelope surrounding the Building Envelope. Development Envelopes may include a portion of the lot which is within the County yard setbacks and/or included in easements, each of which have their own restrictions. It is the intent of providing a Development Envelope to encourage construction of homes with a comfortable relationship to the landscape surrounding them. It is intended that exposed retaining walls [6' in height or less] be used in lieu of unnatural or steep changes in grade, and that retaining walls be faced with the same masonry as is used on the lower portions of the house to visually connect the improvements and to provide a comfortable relationship between the improvements and the site. Construction and construction activity must be confined to a minimal area, and conducted in a manner considerate of neighbors.

**Requirements:**

1. All construction activity and improvements must be confined to the Development Envelope except for features provided for in other sections such as utilities.
2. No slopes over 2:1 are permitted. Berms and other obviously unnatural grading are strongly discouraged. Smooth grading transitions with the use of landscaping to create screening and privacy are preferred.
3. Retaining walls are required where cut or fill slopes exceed 4' vertical change from natural grade. Retaining walls which are in the Development Envelope [outside of the Building Envelope] are limited to 6' in height and must be screened with plant material. Stepped retaining walls must be separated by a minimum of 4' face to face in the horizontal direction and must be screened with plant material between walls; grading between walls [planting beds] must be nearly horizontal.
4. Vertical surfaces (retaining or landscape walls, fences, garden structures, etc.) must be constructed from the same masonry materials used for the primary building. Tie walls, boulder walls and rip-rap walls are not allowed except where such walls are not visible from other lots or common areas and are specifically approved by SARC.
5. Low brightness, low level outdoor lighting may be approved by SARC where the light source is completely hidden.
6. Trees in place and shown on the MLGP may not be removed without specific SARC approval and must be fenced at the outer foliage boundary during construction.
7. Apart from naturally occurring situations, no exposed soil is permitted after the completion of construction. Disturbed areas must be completely re-vegetated within one (1) growing season.
8. Fences are discouraged, and are permitted only with the specific approval of the SARC. Refer to Section VII.2.
9. Improvements and uses which are allowed in Development Envelopes [applies only to lots with platted Development Envelopes] subject to SARC approval are the following;
  - Driveways and parking areas
  - Terraces and patios with a finished elevation within 30" of existing grade
  - In ground spas and swimming pools with a finished deck elevation within 30" of finished grade
  - Landscaped areas
  - Enclosures for an outdoor grill
10. Improvements and uses which are not allowed in Development Envelopes [applies only to lots with platted Development Envelopes] include, but are not limited to, the following;
  - Accessory structures
  - Improvements which exceed 30" above existing grade, except plant materials and retaining walls as allowed under Paragraph 3 of this section.
  - Balconies and building projections
  - Storage areas or structures, except temporary facilities during the course of construction which are removed prior to occupancy.
  - All improvements and uses not listed in the preceding item 9.

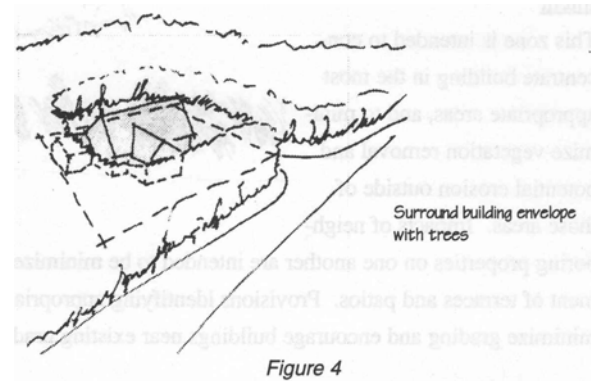
## D. Building Envelope

**Intent:** This zone is intended to concentrate building in the most appropriate areas, and to minimize vegetation removal and potential erosion outside of those areas. Impacts of neighboring properties on one another are intended to be minimized by guidelines which control the placement of terraces and patios. Provisions identifying appropriate finished floor elevations are intended to minimize grading and encourage buildings near existing grade.



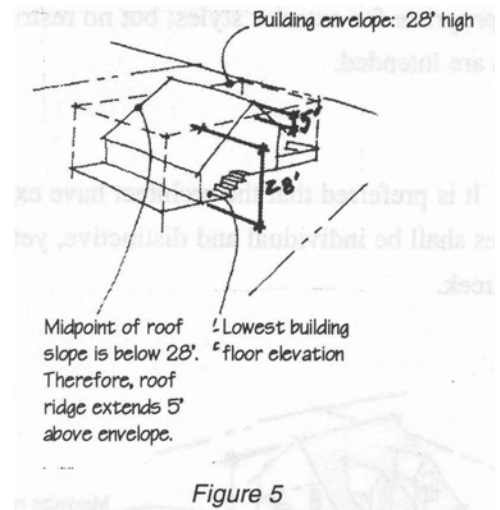
### D1. Building Envelope for Lots 1-12 and 41-45 (see D2 for Lots 13-40 & 46-48 & 50)

**Intent:** This section applies to the North Bench and South Bench lots which include both Development Envelopes and Building Envelopes. Separation between homes is easier to achieve on these lots and more area is available to create smoothly graded slopes within the Development Envelope. This section provides for the main building floor to be located at the existing grade where possible.



#### Requirements:

1. All buildings and structures, including balconies and decks, must be confined to the Building Envelope except as specifically approved by SARC.
2. The lowest habitable building floor elevation must be as close to finish grade on the downhill side of the building as possible. See lot-specific guidelines in the appendix for recommended floor elevations. Basement space below this level may be utilized, subject to approval by SARC.
3. The maximum building envelope height is 28' above finish grade except that roof ridges may protrude an additional 5' where the midpoint of roof slopes is not in excess of 28' above finish grade. This is a requirement of the Pitkin County approvals. Please note that the first step in the site planning process should be preparation of a topographic survey of the undeveloped lot. This survey will be required by Pitkin County in order to obtain County approvals and will be utilized to determine building heights.
4. No cut and fill slopes are permitted over a height of 4' without the approval of SARC.
5. Retaining walls must be constructed from or faced with the same masonry materials as the building.
6. Low brightness, low level outdoor lighting may be approved by SARC where the light source is completely hidden.
7. No trees may be removed prior to Final Approval by SARC. Even with Final Approval by SARC, no trees may be removed unless



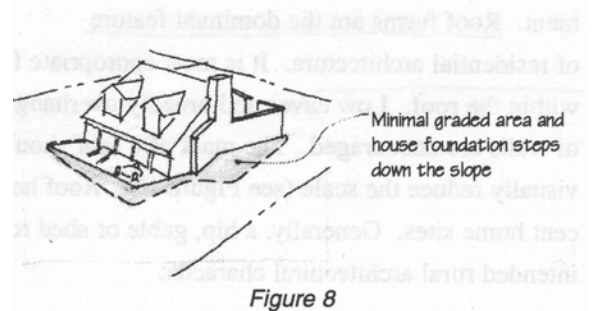
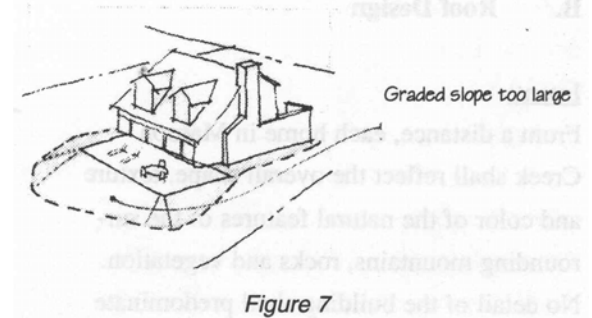
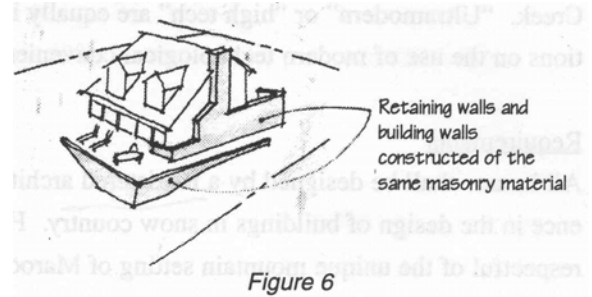
specifically proposed for removal and removal is approved by SARC.

**D2. Building Envelope for Lots 13-40, 46-48 & 50**  
(see D1 for lots 1-12, 41-46)

**Intent:** This section applies to the Tiehack base lots, Townhome lots, and Tiehack View Lots which have platted Building Envelopes but not platted Development Envelopes [see Definitions]. There is less land available for separations between adjacent homes and for grading. Terraces and patio areas are regulated to protect privacy and landscape planting is required to enhance privacy (see Figure 4). Grading is regulated to provide for comfortable relationships between the home and the existing grade, as well as between streets and garage elevations.

**Requirements:**

1. All buildings and structures, including balconies and decks, must be confined to the Building Envelope except as specifically approved by SARC.
2. The garage elevation must be within the range identified in the Site Specific Design Guidelines included in the appendix. The lowest building floor elevation must be as close to finish grade on the downhill side of the building as possible. See lot-specific guidelines in the appendix for recommended floor elevations. Basement space below this level may be utilized, subject to approval by SARC.
3. Maximum building envelope height is 28' above grade (rough grade as established during completion by Maroon Creek) except that roof ridges may protrude an additional 5' where the midpoint of roof slopes is not in excess of 28' above finish grade. Please note that the first step in the site planning process is preparation of a topographic survey of the undeveloped lot. This survey will be required by Pitkin County in order to obtain County approvals and will be utilized to determine building heights.
4. No cut and fill slopes are permitted over a height of 4' without the approval of SARC (see Figures 7 and 8).
5. Retaining walls must be constructed from or faced with the same masonry materials as the building.
6. Low brightness, low level outdoor lighting may be approved by SARC where the light source is completely hidden.
7. No trees may be removed prior to Final Approval by SARC. Even with Final Approval by SARC, no trees may be removed unless specifically proposed for removal and removal is approved by SARC.



**E. Insubstantial Amendment to the Plat**

The Maroon Creek Club Master Association and the City of Aspen reached an agreement regarding 1) allowed uses in Development Envelopes, Building Envelopes and Setbacks, 2) allowable and required landscaping, and 3) certain restrictions affecting lots that have existing vegetation or other natural features that are to be protected. We entered into this agreement because the City had requirements that were inconsistent and generally more strict than the Design Guidelines and because certain improvements that lot owners are required to make by the terms of the Pitkin County subdivision approvals and by the Design Guidelines are not consistent with current City of Aspen land use requirements.

A copy of the Insubstantial Amendment to the Plat document can be found at the Maroon Creek Club web page at [www.williamlukes.com](http://www.williamlukes.com) and is hereby incorporated into the Design Guidelines by reference.

**F. Ski Access Easements**

The Final Plat for the Maroon Creek Club grants the Master Association the authority to designate ski access easements through and across portions of lots and common areas within the Maroon Creek Club. The Association has determined appropriate locations for ski access easements which are located on Lots 33, 34, 38 and 39. A map can be downloaded from the MCC web page at [www.williamlukes.com](http://www.williamlukes.com).

Improvements in ski access easement areas are limited to grasses and ground cover plants. No buildings, hard surface areas, above-grade projections, trees, shrubs, retaining walls or similar improvements are to be located in ski access easement areas.

**IX ARCHITECTURAL STANDARDS**

**Intent:** The intent of the Architectural Standards is to establish an architectural theme which is in harmony with the natural surroundings, and exhibits the highest level of quality, craftsmanship and design. The architectural character is intended to be natural, unimposing and rural. Homes shall be characterized by strong form elements with deep shadow lines, roof pitches and interrelationships that reflect the mountain slopes, natural building materials with strong textures, and restrained colors to compliment the natural surroundings.

The intent of establishing architectural standards and striving for a certain consistency of design elements at Maroon Creek Club is to emphasize the visual effect of the development as a whole and avoid

***Important: In reading and interpreting these architectural standards it is far more important to comprehend the philosophy and spirit of this overriding purpose than the details of the language.***

***Important: Of those, compliance with the intent and requirements for the following are to be given particularly high importance in the development of home designs;***  
***Building Massing and Form***  
***Roof Design***  
***Exterior Elements and Details***

creating a community of visually unrelated structures. Certain design elements and qualities have been identified as contributing to an overall harmony of design and each is more specifically addressed in Sections B through I following.

**A. General**

**Intent:** All homes in Maroon Creek shall be custom designs. Homes shall be designed in no discernible “style” other than “Colorado Mountain” (a style perhaps defined nowhere else but in these guidelines). Architectural motifs such as “Santa Fe”, “Spanish”, “Classical”, “Colonial”, “Mediterranean”, “Victorian”, “Islamic”, or any other derivative style are not appropriate to the Maroon Creek Club. “Ultramodern” or “high tech” are equally inappropriate for exterior styles, but no restrictions on the use of modern technological conveniences or the character of private interior spaces are intended. Homes shall be individual and distinctive, yet respectful of the unique mountain setting of Maroon Creek.

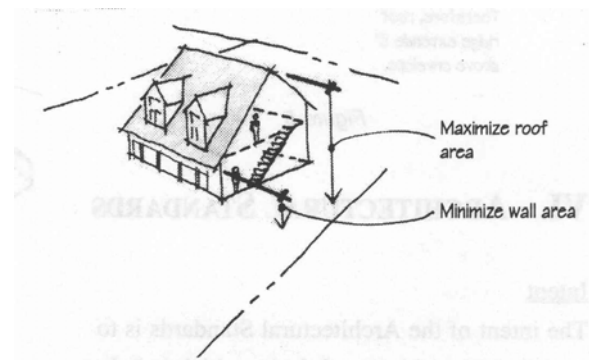


Figure 9

**Requirements:**

1. It is recommended that the Architect and Landscape Architect each have experience in the design of homes in snow country.
2. Windows and outdoor living areas shall be located so as to provide the greatest possible privacy between adjacent homes, and as shown on the Site Specific Design Guidelines. Placement of windows oriented toward an adjacent Building Envelope will require planting of conifers between the windows and the property line to preserve privacy.

**B. Roof Design**

**Intent:** From a distance, each home in Maroon Creek shall reflect the overall shape, texture and color of the natural features of the surrounding mountains, rocks and vegetation. No detail of the building shall predominate or appear intrusive to the mountain environment.

**Important:** *Roof forms are to be the dominant feature of the residential architecture at Maroon Creek Club.*

**Eaves:** Low eaves and broadly overhanging roof forms that minimize the apparent height of walls are encouraged.

**Roof Forms:** The mass of a roof should be broken into planes and smaller elements to visually reduce the scale (see Figure 10). Roof heights and ridge lines should vary between adjacent home sites. Generally, a

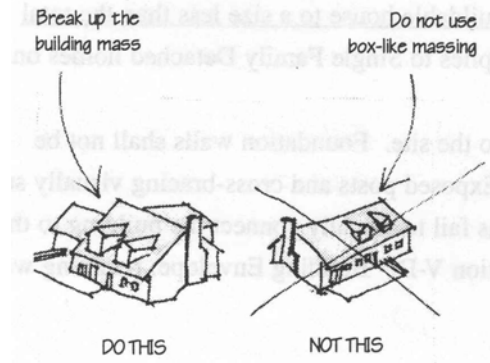


Figure 10

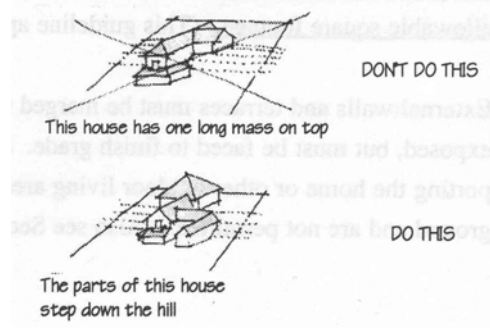


Figure 11

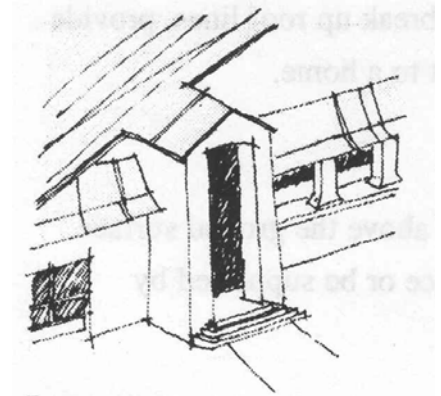
hip, gable or shed roof configuration is appropriate to achieve the intended rural architectural character. Forms should express the homes' configuration and function and not exaggerate the scale of the structure. Roof forms shall not be ostentatious or try to "out-do" the neighbors. Curvilinear elements within these general shapes are acceptable, but dominant curved roof forms are not allowed. Stylistic roof forms such as Mansard, Contemporary Flat, or "exotic" forms such as hyperbole paraboloids or other conical sections are not allowed.

**Roof Overhangs:** Required for their aesthetic qualities as well as their practical function. Large window areas should have generous overhangs to shade the windows, to minimize reflections off of the glass, and to minimize night-time light emission onto adjacent properties. Overhangs should be proportional to the size and pitch of roofs. Roofs with shallower pitch generally require larger overhangs than steep roofs. Roof forms should be proportional to the spaces they cover and tie together the overall building mass.

***Again, roof forms are to be the dominant feature of the residential architecture at Maroon Creek Club.***

**Requirements:**

1. **Roof Pitches:**  
All roofs must have a minimum pitch of 5 in 12 except for minor roof elements. Minor flat roof elements (e.g. elevated view decks, transitions) are permitted but shall not comprise more than 10% of the floor plate, be a dominant building form, or be visible from neighbor's living spaces.
2. **Overhangs:**  
Eaves and overhanging roof forms are to be utilized to cast shadows against reflective surfaces and to minimize apparent wall height. Of primary importance, eaves must be in proportion to the adjacent roofs and walls; in general, eaves must project a minimum of 3 feet on the downhill sides of the building and 18" on sidehill and uphill sides of the building. This guideline applies to Single Family Detached homes only.
3. **Roof Forms:**  
The roof form over the major living space of the home must be dominant. Roofs over garages, outdoor living areas or guest accommodations must be less prominent visually than that over the major living space. Gables, dormers and other smaller roof



Entry too large

Figure 12

**Note:** Application of this provision on some lots may restrict the buildable house to a size less than the total allowable square footage.

elements should compliment the dominant roof form and serve to visually break up and add interest to the overall composition. Wood shingles, synthetic tiles which simulate the colors and textures of wood or slate shingles, and natural slate, are all acceptable materials. Roofs must be of natural colors. All roof areas, trim and protruding vents must be of a color similar to the roof and non-reflective. Metal roofs are strongly discouraged and will generally not be approved where the roofs will be visible above the tree canopy.

4. It is strongly recommended that the uppermost level(s) of the home utilize the volume of space within the roof forms in order to minimize the heights of exterior walls and to reduce the apparent mass of the house. Toward that end, steeper roof pitches such as 12:12 or greater will generally be considered as long as the roof masses and heights are considered to accomplish the aesthetic objectives and meet the specific requirements of the Architectural Standards.

**Important: Space within roof volumes should be utilized to enclose living space.**

**C. [not used]**

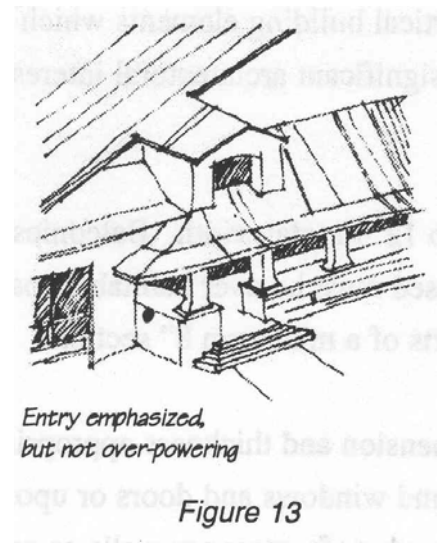
**D. Building Massing and Form**

**Intent:** Home designs should have visually heavier and more massive elements at their base, with "lighter" elements above. Upper stories should not appear heavier or seem to have greater mass than the portion of the building supporting it.

Masonry (stone) should support wood or stucco. Where sites slope (more common than not), buildings should step down the incline and "anchor" the homes to their sites, creating a natural relationship between the structure and the natural topography (see Figures 10 and 11).

**Requirements:**

1. External walls and terraces must be merged to the site. Foundation walls shall not be exposed, but must be faced to finish grade. Exposed posts and cross-bracing visually supporting the home or other outdoor living areas fail to visually connect the building to the ground and are not permitted. ( Also see Section V-D, "Building Envelope: retaining walls.)
2. Natural stone is the most appropriate material to "emerge" from the earth, although colored and textured concrete could be an acceptable substitute if specifically approved by the SARC. Walls which are primarily wood siding or stucco from grade to eave are generally to be avoided, particularly if the wall area is large or visually important.



3. Floor levels should be defined by either changes in plane or changes in materials, with the intention being that a neutral or horizontal emphasis is created rather than visually emphasizing the height of the house.

**D1. Building Massing and Form for Lots 1, 2, 3, 5, 12, 16 and 41 through 45**  
(see D2 for all other Single Family lots)

**Intent:** This section applies only to the North Bench, South Bench and Tiehack lots which are allowed a maximum of 10,000 square feet of floor area per lot. Each of these lots, except Lot 16, has both a Building and Development Envelope. The intent is to stress continuity of architectural character and site development and to minimize the apparent size of the larger homes by developing a primarily horizontal emphasis to the massing of the homes and utilizing multiple building forms and volumes. The potential visual impact of each of these homes has led to the development of Site Specific Design Guidelines for siting and landscaping.

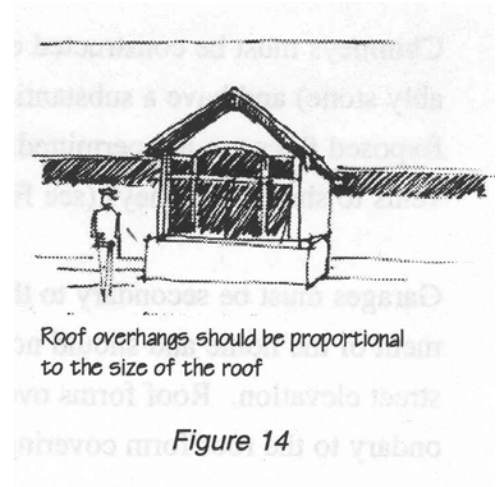
**Requirements:**

1. The overall “shape” or “mass” of the homes shall be visually broken up to reduce the apparent scale of the building and provide interest and variety to the form of the architecture. Building forms should step back with the second floors being smaller than first floors. “Box-like” designs are not appropriate.
2. In no case shall a vertical wall surface exceed two stories (20' to the eaves). Vertical continuous wall height (including retaining walls) shall be a maximum of 12' except for 30% of the wall length which may be a maximum of 20' in height to the eave line.

**Note: Compliance with this provision and the other Design Guidelines may restrict the buildable house size on some lots to less than the maximum allowable floor area, or may require some use of basement space to achieve the maximum floor area.**

**D2 Building Massing and Form for Lots 4, 6 through 11, 13, 19 through 40 and 46 through 48**  
(see D1 for all other Single Family Lots)

**Intent:** This section applies to the North Bench, South Bench, Tiehack Base and Tiehack View lots which allow a maximum of 5,500 or 6,000 square feet of floor area per lot. Some of these lots have both a platted Building and Development Envelope, but most have only a platted Building Envelope. The intent is to stress continuity of architectural character and



site development while recognizing the higher density on these lots and the practical requirements of building on smaller lots that are on a hillside.

**Requirements:**

1. The overall “shape” or “mass” of the homes shall be visually broken up to reduce the apparent scale of the building and provide interest and variety to the form of the architecture. To the extent possible, building forms should be broken up with vertical or horizontal offsets. Balconies, projecting bays and dormers should be used to break up planes and provide visual interest. It is understood that horizontal offsets and smaller second stories may be more difficult or impossible to achieve, however, “box-like” designs are not appropriate for any lots. Space within roof volumes and basement space shall be exploited rather than reducing roof overhangs or building out the envelope.
2. In no case shall a vertical wall surface exceed two stories (20' to the eaves).

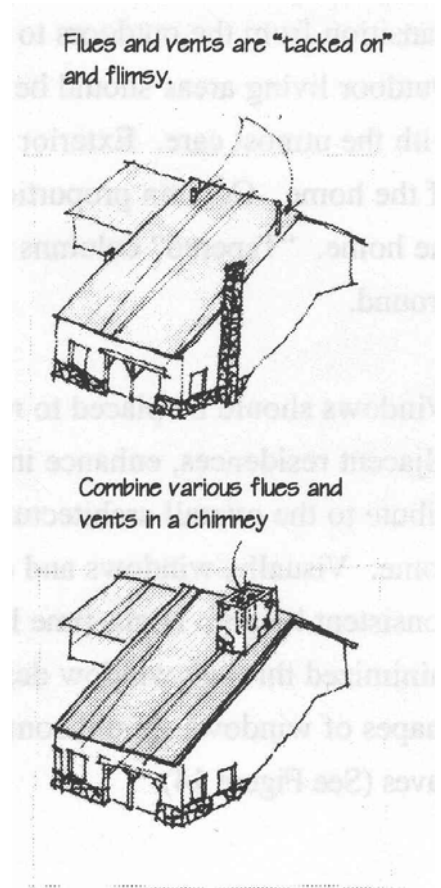
**Uphill elevation:**

The uphill elevation shall be basically one story above grade with the possible use of some two story elements if desired. Vertical continuous wall height (including retaining walls) shall be a maximum of 12' except for 30% of the wall length which may be a maximum of 20' in height to the eave line.

**Downhill Elevation:**

The downhill elevation shall be a maximum of two stories above grade (plus the roof volume) with some elements which are lower and, perhaps, taller to break up the generally greater wall area of the downhill elevation. Vertical continuous wall height (including retaining walls) shall be a maximum of 20' to the horizontal eave except for 30% of the wall length which should be a maximum of 16' in height to the horizontal eave line. Gables and dormers on downhill elevations shall be broken up by roofs or other offsets to avoid wall areas exceeding 20' in height.

**Note: Compliance with this provision and the other Design Guidelines may restrict the buildable house size on some lots to less than the maximum allowable floor area, or may require some use of basement space to achieve the maximum floor area.**



**Figure 15**

## E Exterior Elements and Details

**Intent:** Exterior design elements are those architectural features which provide visual interest, enhancing the overall building form described above. Each element should help unify the home design with complimentary forms, textures, mass, and proportions. Design for these elements should be informed by a good understanding of the rigors of snow country. Ice damming and snow storage must be considered carefully. Horizontally projecting elements, such as bay windows, porches or overhangs provide three-dimensionality to the building elevations and add visual interest, depth and shadow line. Provide gracious transitions from indoors to outdoors by the incorporation of covered entryways, porches, patios and other outdoor living areas where possible. The scale of these elements should be proportional to the overall building and compliment the architectural character. The main entry to the home should be central or otherwise balanced and sheltered. Monumental, vertical entryways are not a suitable transition from the outdoors to the indoors. ( See Figures 12 & 13).

Outdoor living areas should be located at the ground level. Elevated balconies must be deployed with the utmost care and should be visually integrated into the house forms. Exterior columns and supports are important elements in the overall design of the home. Column proportions should be consistent with the overall architectural character of the home.

“Tapered” columns set on more massive bases help anchor this design element to the ground.

Windows should be placed to respect the privacy of adjacent residences, enhance interior spaces and contribute to the overall architectural character of the home. Visually, windows and doors should be at a consistent height. Large or monumentally scaled expanses of uninterrupted glass are discouraged. Loss of privacy and visible spill light from large windows which face common areas or other Maroon Creek lots may require mitigation or screening by the use of landscape elements or other means acceptable to SARC. Proportions and shapes of windows should compliment roof lines and eaves (See Figure 14).

Chimneys should be handled as defining elements of architectural character and should be aesthetically harmonious and suitably scaled with the house design. They should be used to break up roof lines, provide relief to wall surfaces and generally add significant architectural interest to a home.

### Requirements:

1. Balconies should not project more than 12' from the wall of the house which separates the balcony from interior living space. Balconies should be incorporated as an element of more traditional home design and should not be continuous from room to room or extend across building elevations from end to end. Balconies above the ground surface should be used sparingly, and if used must be over habitable space or be supported by masonry columns or wood supports of a minimum 8" section.  
  
Railings should enhance the “Colorado Mountain” character of the architecture and should utilize wall and roof forms where appropriate. Pipe rails and other predominantly metal fabrications are not allowed.
2. Trim and fascias shall be of a dimension and thickness appropriate to the architectural character of the home. Thin trim around windows and doors or upon fascias is not appropriate in combination with heavily-textured roofs, masonry walls or rustic siding. A minimum of 2" nominal lumber shall be used for trim. A minimum of 4" shall be used for elements which are not applied to wall surfaces such as trellises or balustrades. Fascia boards on roof overhangs should be proportional to the size of the overhang and be a minimum of 2" x 8" in dimensions.
3. Window shapes (e.g. round, triangular, trapezoidal, rectilinear) should be limited in number and have consistent trim and pane sizes.
4. Skylights and solar collector panels must be integrated with the roof design and must be installed, without risers or spacers, parallel to the roof surface. They may comprise no more than 10% of any roof surface. Frame material should match the roof. Prefabricated “bubble” skylights are not permitted. Because of their reflective surfaces solar panels are permitted only under specific review of the SARC.
5. Chimneys must be constructed of masonry materials (preferably stone) and have a substantial and massive appearance. Exposed flues are not permitted. Collect and run flues and vents to shared

chimneys (see Figure 15).

6. Garages must be secondary to the overall architectural statement of the home and should not dominate or overwhelm the street elevation. Roof forms over garages should be secondary to the roof form covering the main living space.

Garage doors must be simple in design, unobtrusive and recessed within the building elevations. Garage doors must be faced with the typical building cladding, unless obviously inappropriate (i.e. stucco), in which case the simplest alternative should be selected. Garage doors facing the street will not be allowed on Lots 1, 2, 3, 5, 12, 16 and 41 through 45 and are discouraged on all other Single Family lots unless suggested by the Site Specific Design Guidelines or if screened by plant material or existing topography so that the garage doors are not visually prominent from any street.

## F. Exterior Materials

**Intent:** Materials such as wood and stone express the natural characteristics of the earth, rocks and trees of the site and should be the dominant vocabulary of the architecture of Maroon Creek. Heavily-textured concrete (e.g. exposed aggregate) which is earth tone in color may also be appropriate. Plain concrete and exposed concrete block are not acceptable. Specific requests for use of metals for vertical surfaces will be reviewed on a case-by-case basis by SARC.

### Requirements:

1. Approved wall materials include stone, wood, wood shingles, stucco, or textured and colored concrete. Approved foundation facing materials including stone, concrete, split face block. Uncolored and/or untextured concrete or concrete masonry units of any type are prohibited. Building elevations on all sides shall receive equal architectural treatment. A minimum of 30% of all wall surfaces shall be natural stone or architecturally textured concrete. Wood siding should provide a fine texture and suitable scale. Wood siding must be clapboard, channeled board, or cedar shingles, and shall be finished with natural finishes and colors. Panel or sheet siding of any type or simulated siding materials will generally not be approved. No reflective materials permitted other than glass. Large areas of stucco should be avoided.
2. Large expanses of a single wall material should be avoided, particularly if unbroken by surface direction changes, fenestration or details. On the other hand, wall surfaces should not be composed of more than two or three materials. Successful wall material combinations include stone and wood, stone and stucco, stucco and wood or architecturally treated concrete and wood. The unifying of masonry materials such as textured concrete and stone, or two contrasting stone lay patterns or colors are rarely successful, and is discouraged.
3. The primary approved roof materials for all main roofs are fire resistant treated cedar shingles or shakes only. Any stain or coloring for shingles or shakes must be specifically approved by SARC and it is recommended that they be a single color. Other roof materials, including certain synthetic, fire-resistant products imitating slate and wood shakes, and oxidized copper shingles, are often approved depending on SARC's evaluation of the color, texture and quality of the appearance. All roof areas, trim and protruding vents must be of a color similar to the roof and non-reflective. Small, secondary roof areas which abut walls or which are below the main shingle or shake roofs may be oxidized copper in accordance with paragraph 5 below with the specific approval of SARC. Small flat roofed areas as are allowed by Paragraph VI.B.1 must be uniformly ballasted with dark colored rock as found in the Maroon Creek Club Masonry Sample Panels unless they are not visible from any Maroon Creek Club common area or property. Other than fire resistant wood shakes or shingles, the use of all roofing materials and systems is dependent on SARC's site-specific review of a sample panel of the proposed material and design.
4. All exterior materials must be of natural colors and related to the range of colors included in the Maroon Creek Club Design Guidelines Color Palette.
5. All exterior metalwork must be painted or otherwise finished in approved colors and textures. No reflective, shiny, or glossy metalwork will be allowed. Copper is an acceptable exterior material for trim, flashing, gutters and other small surfaces, but shall not be polished or sealed or otherwise treated to prevent natural oxidation and aging. It is preferred that copper and other non-ferrous metals be treated with an agent to accelerate oxidation [patina].

6. All masonry work shall utilize stone materials with colors and material type as are included in the approved palette of materials, the Maroon Creek Club Masonry Sample Panels, which are located at the Highway 82 underpass at the Maroon Creek Club. The Sample Panels include a range of colors and shapes which should allow considerable variety in the design and final effect of the masonry work; any of the colors included may be used in any combination as long as the overall effect is generally consistent with the overall value of the Sample Panels; masonry walls or building elements which are monochromatic or very light colored are not allowed. Approval of the proposed materials and methods for masonry construction shall be subject to review and approval by SARC of a sample panel prepared by the owner of the proposed masonry work, including the proposed range of materials in actual sizes and grout color and joint treatment. The sample panel should be a minimum of 4' x 4' and must be available at the Maroon Creek Club development for review by SARC. It is strongly recommended that the sample panel or panels be prepared and reviewed with SARC well in advance of the planned start of installation so that adjustments and modifications can be made without delaying construction.

## **G. Residential Systems Equipment**

**Intent:** Equipment mounted on the building surfaces should contribute to the overall design and be carefully detailed. Equipment shall never appear to be “tacked on” to exterior surfaces.

**Requirements:**

1. Residential systems equipment mounted on roofs, building exteriors or on the ground shall be completely concealed or located and detailed to integrate with the building’s architecture to the greatest extent practical. Such items shall include, but are not limited to, skylights, solar panels, vents, mechanical or electrical equipment, communications equipment including television antennas, satellite dishes, security devices or equipment, access ladders and utility meters.
2. Only equipment which is typically mounted on building surfaces, such as electrical panels and disconnects and other utility connections or meters, may be located on exterior wall surfaces. All such equipment shall be painted to match adjacent wall surfaces, enclosed with walls and roofs matching adjacent construction, or otherwise concealed as approved by SARC. The solution should contribute to the overall design and be carefully detailed. Equipment shall never appear to be “tacked on” to exterior surfaces.
3. Wall mounted equipment that is visible from the street or from neighbors’ windows is not allowed without adequate screening or enclosures as approved by SARC. No equipment may be installed or located outside of the Building Envelope.
4. Air conditioning/heating/cooling units may not be located on roofs, in windows or mounted on the sides of buildings. All air conditioning and other exterior air handling equipment must be specified, installed, or enclosed so as to not increase the background sound level at adjacent properties or be audible from any living spaces or improved outdoor living areas of adjacent properties; as a guideline, condensers should be rated for a 71 db sound level or less without any allowance for installation in a pit or any other sound reduction measures that may be required by SARC. All such equipment shall, at a minimum, be installed in below grade pits no less than the height of the equipment or shall be enclosed in masonry walls no less than the height of the equipment, and shall be surrounded with thick shrubbery or similar vegetation. Air conditioning equipment may not be installed in any side yard area without the written approval of the adjacent owner. All applications which include air conditioning shall include specifications for the exterior portion of the equipment that specifies the sound rating of the equipment.
5. Approval by SARC of any exterior air conditioning or air handling equipment shall include as an implicit and ongoing condition of the approval that no audible sound shall be allowed to carry to any neighbor’s home or outdoor living areas at any time of the night or day.
6. All other exterior equipment shall be ground mounted and completely screened from view.
7. Roof mounted and other antennae, and other receiving devices, are not allowed unless visually situated and screened so that there are no visual impacts. Under no circumstances can antennae, satellite dishes or other roof-mounted equipment which may be approved by SARC, be mounted at ridge lines or be visible above the ridge lines of the roofs.
8. Gutters and down-spouts shall be integrated into the design of buildings, become an architectural element of the building, or not be visible. The colors of exposed gutters and down-spouts shall match

the color of the surfaces to which they are attached or be oxidized copper. Down-spouts should be mounted on vertical architectural elements in inconspicuous locations wherever possible. Copper is an acceptable material for these elements, subject to the requirements described in Section F - Exterior Materials.

9. All flashing, sheet metal, vent stakes, pipes and other fittings shall be painted or finished to match the materials to which they are attached or from which they project. Copper is an acceptable material for these elements, subject to the requirements described in Section F - Exterior Materials.

## H. Accessory Structures

### Requirements:

1. Accessory structures such as garden sheds, storage and greenhouses are permitted only if attached to primary structures and architecturally integrated to the building design. Patio roofs and enclosures and gazebos may be separated, but shall be designed to architecturally relate to the main building. Accessory structures must be located within the Building Envelope and not on the street side of the house.

## I. Exterior Lighting

**Intent:** Exterior lighting should be minimized and used only for purposes of safety and security in order to minimize visibility of the building in the evening. "Aesthetic" lighting, area lighting, flood lights, or illuminated artwork are not consistent with the goal of integrating with the natural surroundings and are not allowed.

### Requirements:

1. All light fixtures shall have completely concealed light sources, except for carriage or similar type fixtures used at building entrances which shall have translucent glass or other obscure enclosure material so that the lamp is not directly visible. For carriage lamps and similar fixtures which do not have completely concealed light sources, sleeving of lamps or reductions in lamp wattages may be required either during the approval process or at the time of Final Inspection. Chandeliers or other large fixtures using numerous lamps are not allowed.
2. All exterior light fixtures which may be required by local codes are allowed but shall utilize fixture types only as specified herein and as approved by SARC.
3. Lighting to illuminate building surfaces, trees, or yards is not allowed.
4. It is recommended that any lighting for driveways which may be approved by SARC, other than one light illuminating an entrance / identification sign at the foot of the driveway, be activated by a motion detector.
5. Lighting for outdoor pools and spas shall be minimized and shall be arranged in such a way as to not create light pollution for surrounding lots.
6. Lighting for outdoor living areas such as porches, patios and decks shall utilize low-level, low brightness downcast illumination mounted in eaves, overhangs, retaining walls and railings, or ground mounted fixtures under 36" in height. No light sources may be visible. Illumination of driveways and entrance walks shall be limited to ground mounted fixtures under 36" in height. Only the minimum number of such fixtures conducive to safety shall be used.
7. Property identification numbers, as may be approved by SARC, may be illuminated by an indirect, concealed light source of 20 watts or less.

## X SITE IMPROVEMENT STANDARDS

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**Intent:** Site improvements should be designed to express the natural characteristics of the earth, rocks and trees of the site. Hefty materials such as stone, heavily-textured concrete, and decomposed granite should be the dominant vocabulary of the site work at Maroon Creek. Patios and drives should be designed with a comfortable relationship to existing grade. Large expanses of driveways and parking

areas which are visible from roads or adjacent properties should be thoughtfully designed and visually screened from roadways and neighboring lots.

**Requirements:**

A. Driveways

1. It is intended that driveways not be perpendicular to the access road, except for the 20' segment meeting the road and where a perpendicular driveway is indicated by the Site Specific Design Guidelines. No loops or porte cochere structures are permitted on Lots 46-48 due to site constraints.
2. All driveways must be paved with an all weather material such as concrete or asphalt or masonry. Gravel driveways are not acceptable. Driveway materials (except for asphalt) must be of natural colors and related to the range of colors included in the Maroon Creek Club Design Guidelines Color Palette. Light colored or natural concrete is not allowed.

B. Signs and Mailboxes

1. Signs and Mailboxes for Single Family Detached Lots:
  - a. No temporary signs of any type, including but not limited to real estate "for sale" or "for rent" or similar signs, are permitted. A construction site may have one construction sign with address as required by the local building authority. That sign shall not exceed four square feet in area.
  - b. One permanent address marker is permitted for each lot and, if not provided by the Association, shall be as approved by SARC for construction and location. It may not exceed one square foot in area, as defined by the smallest rectangle enclosing the address and/or other identification, and may not exceed 48" in height. Lettering and logos used in the address marker shall not exceed eight inches in height. Lighting of signs shall be indirect and arranged to prevent light from shining within view from nearby properties. No strong gateway or entryway statements may be made about driveways or walks with this marker.
  - c. Individual mail boxes are not permitted unless mounted on the house proper or incorporated into the one address marker allowed by the preceding paragraph. Compliance with U.S. Postal Service requirements does not supercede SARC requirements or approval. SARC is under no obligation to approve or continue to approve individual mailboxes and is under no obligation to provide mailboxes or other mail receptacles. The approval of SARC is required for all individual mailbox locations and designs.
2. Signs and Mailboxes for Townhomes
  - a. All signs for Townhome developments must be approved by SARC. These standards apply to signs identifying individual developments within the Maroon Creek Club community. Signs shall only identify the name of the project and an address. Signs shall not exceed three square feet in area as defined by the smallest rectangle enclosing the address and/or other identification. Signs shall be either made of stone or installed on stone bases. Colors used in lettering and logos shall be non-intrusive: no intense hues are permitted. Lettering and logos shall not exceed eight inches in height. Lighting of signs shall be indirect and arranged to prevent light from shining within nearest properties.
  - b. Other signs that are a part of townhome developments but are not the project identification sign must be subdued and not exceed three square feet in area. Acceptable signage materials are stone, cast stone, metal or iron. Lighting of signs shall be indirect and arranged to prevent light from shining within nearest properties.

C. Fences

1. Fences of any type will generally not be allowed on single family lots, regardless of whether they would be located within or without the Building Envelope.
2. In the event SARC were to consider approving a fence, fences are not permitted outside the Building Envelope or, if there is a platted Development Envelope, outside the Development Envelope. Should a fence be permitted, the fence must be designed such that a minimum of eighty percent (80%) of the elevation is unobstructed. Acceptable materials are wood, stone, metal and iron.

3. Entrance gates, "ranch entrances", walls, and other improvements located within the Road Margin are not allowed, with the exception of one permanent address sign as provided elsewhere in this section.
- D. Dog Runs and similar enclosures
1. Walls enclosing open areas within the Building Envelope that are similar to retaining walls and that conform to the requirements of the Design Guidelines, including height, facing with masonry to match the house, etc., will be considered on a case-by-case basis. Factors to be considered would include location on the property, location relative to neighbors, existing and proposed screening, and visual and other [i.e. potential noise] impacts. A consideration of particular importance will be integration into the building design. Enclosure walls will not be allowed in any front yard areas.
  2. Although none have yet been reviewed or approved, the Executive Committee offers the following general design guidelines for owners wishing to provide a secure area for dogs on their property:
    - a. Any enclosure would be constructed of dark colored [i.e. plastic coated in black, brown or dark green] welded wire mesh that would be concealed by shrubbery of allowed types and other plant material so that the mesh is not readily visible from common areas or other properties. The location and design should be integrated into the building massing and forms and could use building elements to accomplish that. The enclosure and plantings should not create a noticeable or strongly geometric visual element in and of themselves. Other comparable solutions without visual impacts would be considered on a case-by-case basis.
    - b. Enclosures would only be considered within the Building Envelope or, for the lots that have them, platted Development Envelopes.
    - c. Heights of any improvements would have to comply with the Design Guidelines for comparable elements such as retaining walls.
    - d. No enclosures would be allowed in front yard areas, in areas that are within important view areas of other homes, or in Natural areas. Locations should respect the present and future homes on adjacent properties.
    - e. Some properties may not have any suitable location for a dog enclosure due to the configuration, size, location or other site-specific characteristics of the property.
    - f. A neighbor notification will be sent to all adjacent and nearby property owners prior to SARC's granting any final approval for such enclosures, and neighbor comments will be considered carefully by SARC in their review. If an applicant obtains written letters of support from all neighbors, SARC may waive the requirement for a neighbor notification.
    - g. All such enclosures must be formally approved in writing by SARC.
    - h. Approval of any enclosures or dog runs by SARC shall not be construed as allowing any nuisance of any type or as a waiver of the requirements of the Protective Covenants and other governing documents, including restrictions on noise, odors, maintenance of properties, or ownership of pets.
    - i. Owners are reminded that both the Protective Covenants of the Maroon Creek Club and City of Aspen regulations prohibit dogs running at large. With the proximity of the Maroon Creek valley and the open ski area lands, the MCC single family homes occupy lands that are also used by deer and other wildlife for feeding and habitat - please remember that dogs running loose have very real impacts on both wildlife and your neighbors and such acts constitute a violation of Maroon Creek Club Protective Covenants.
- E. Other Site Elements
1. Trash receptacles must be "bear-proof" and located within buildings or enclosures. Except during construction activities, portable "dumpster" units are prohibited. No outdoor trash facilities or outdoor storage of trash cans is allowed.
  2. Vehicles such as "RV's", golf carts, motorcycles, or similar vehicles and trailers, must be stored within buildings, except for occasional guest parking not to exceed seven days.

## XI LANDSCAPE STANDARDS

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### A. Definitions

1. Aspen grove: Consists of Aspen trees of 3"-4" caliper at a spacing of no greater than 10' O.C. The grove must have a natural-appearing random set of spacing and include both multi-stem and single stem trees.
2. Spruce grove: Consists of Spruce trees of at least 10' height at a spacing of no greater than 20' O.C. The grove must have a natural-appearing random set of spacing.
3. Master landscape and grading plan (MLGP): refers to the specifics attached in Appendix A.

### B. Lots 6 - 13, 16 - 40 and 46 - 48

**Intent:** These homes are highly visible from Maroon Creek Road and distant view points.

**Important:** *Substantial groves of Aspen trees with Spruce trees must be planted to produce forest cover around this group of homes as required by the Pitkin County approvals, as adopted for use by the City of Aspen.*

#### Requirements:

1. Each lot owner is required to plant groves of Aspen trees in areas designated around their home in the Master Landscape and Grading Plan (MLGP). The planting requirements are summarized in the Site Specific Provisions attached. Based on the SARC review of the Schematic Plan submission, the SARC may elect to alter the areas designated for Aspen groves and Spruce groves to better compliment the proposed home design, to promote privacy and screen homes from distant views, as consistent with these guidelines.
2. Proposed landscaping should accomplish the objectives of the MLGP without blocking primary views from other homes and lots.

### C. Lots 1 - 5 and 41-45

**Intent:** The single family homes on the North and South Bench areas are visible from Highway 82 and Maroon Creek Road; landscaping should be used to screen views to these homes.

**Important:** *Screening and re-vegetation criteria for these lots have been mandated by the Pitkin County Land Use Approvals and must be adhered to.*

#### Requirements:

1. These 10 lots are subject to the following landscaping requirements shown in the Master Landscape and Grading Plans (MLGP):
  - A. North Bench Sites: 50% of the downhill sides of these homes must be screened by a minimum of 30 Spruce trees each ranging in size from 15' to 25' (averaging 20') high and located within 50' of the home.
  - B. South Bench Sites: 50% of the downhill sides of each home must be screened with a combination of 30 Spruce trees each ranging in size from 15' to 25' (averaging 20') high and located within 50' of the home and 30 Aspen trees of minimum 3" caliper, 40% of which are multi-stemmed. All trees must be located to create the appearance of a continuous grove linking all 5 house sites.
2. Proposed landscaping should accomplish the objectives of the MLGP without blocking primary views from other homes and lots.

## XII UTILITIES

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## General Requirements:

### A. Connections to City Water system

1. Proposed locations for individual utility services and lines shall be submitted to SARC for review and approval. Underground individual service utilities will be confined to road ROW's, driveways, road easements and building envelopes except as may otherwise be approved by SARC to minimize impacts. Where utilities traverse the Road Margin and Natural Areas, no live trees over 4" diameter may be removed, trees which are approved to be removed must be replaced with similar trees, and disturbed areas must be re-vegetated.

2. High Water Pressure

Portions or all of the Maroon Creek Subdivision have fairly high water pressure as the water is distributed by the City of Aspen water system throughout the subdivision, apparently by design. The reasons why are quite involved but, according to the Water Department, the system pressure in the MCC area and some other areas of town will generally have higher water pressure than the system in some other portions of town, either on a regular basis or as the result of surges.

According to information that we received in 2003, high water pressure and/or sudden spikes in water pressure [water hammer] have caused damage and/or leaks (usually in the fire sprinkler portion of interior plumbing) at a few homes in the MCC subdivision. It appears that the reason why the fire protection portion of the domestic water supply could experience leaks is because that portion of the water supply might not have a water pressure reducing valve ["PRV"] in line to control pressure surges. Not having a PRV on the fire protection portion is the normal method of ensuring that your fire sprinkler systems will have adequate water flow at all times to provide the quantity of water and level of protection that the system was designed to provide.

In circumstances where higher water pressures are the norm, the Fire Marshal allows another pressure reducing valve ["PRV"], of a type that is appropriate to use in fire protection plumbing systems, to be installed in the fire protection portion of the water service to protect this system from too-high pressures or pressure spikes. We have reviewed this matter with Ed Van Walraven, the Aspen Fire Marshal, and he has advised us that he will allow approved PRV's to be installed, either as retrofits to existing homes, or when shown on building permit applications for new homes.

A permit for the PRV is required; the proper type of PRV must be submitted to the Fire Department, either as part of a building permit application or as a submittal from your contractor or fire protection installer, and approved by the Fire Marshal.

The PRV must be of a type that will perform properly with the engineered design for that particular system as regards minimum water flow and allowable pressure ranges, so it should be supported by the engineering calculations for the system that was, or is going to be, installed. Mr. Van Walraven said that there are a number of products of this type available on the market. If you are retrofitting an approved PRV to control pressure in the fire protection lines, you should contact the designer / installer of your fire protection system, not a normal plumber.

Also, please remember that any approved PRV's which are installed in the fire protection system would have to be inspected annually by a qualified firm, as does your regular PRV and backflow preventer.

3. Use of Fire Hydrants

Plumbing systems, water supply lines under the street, and fire hydrants can be and are damaged by unauthorized use of fire hydrants. It is against the law for any person to hook up to a fire hydrant for any purpose whatsoever and all licensed contractors are supposed to be aware of the prohibition and the consequences.

There has been anecdotal information that one or more firms working in the Maroon Creek Subdivision over the past few years have hooked up to hydrants and, for all we know, they may have directly caused damage to some of your homes by suddenly opening and closing a hydrant and creating a significant water hammer condition.

The Association regards the community water supply as important to the protection of life and property, and all Association representatives will cooperate with the Water Department and Fire Department by calling in the license plate numbers of anyone seen hooking up to a hydrant in the subdivision. Please advise each of your subcontractors, and make sure that landscapers, hydroseeders, and others on your jobsite know this as well.

### **XIII CONSTRUCTION RULES**

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#### **Requirements:**

- A. Article 8.14 of the Protective Covenants provides that “any construction activity on any Single Family Lot shall be completed and fully cleaned up within eighteen (18) months from its commencement or a variance shall be obtained from the SARC to allow for a longer period of construction upon proof of due diligence.” A request for a variance from the requirements of Article 8.14 are not “variances as to...architectural controls” (Article 5.6 of the Protective Covenants), but rather will be regarded as a request for a variance from the Declaration of Protective Covenants and are subject to the requirements and procedures set forth in Article 10.1 of the Protective Covenants, including notice to all homeowners. Notwithstanding the above, SARC will generally grant one (1) six month variance if properly requested and approved in advance to allow a total of 24 months, if satisfactory proof of due diligence in developing a 24 month project schedule and pursuing construction has been demonstrated.

Failure to complete and fully clean up any construction site within the time period described above or by the end of any extension which is approved in advance by the SARC may result in the imposition of substantial fines. The SARC may, in its sole discretion and either in lieu of or in addition to the imposition of fines, require conformance with interim milestone dates or impose project-specific working hours and working days or impose other requirements that may be necessary, or any combination of the above, to minimize the impacts of construction which is not completed within the time period described above.

- B. A construction staging area must be provided by the Owner of each lot for worker parking and materials delivery and storage. Construction parking or material storage outside of Development Envelopes is strictly prohibited without prior approval of the SARC and the HOA Board of Directors. Where sites are limited as to areas for on site storage and parking, owners shall be required to provide a site construction management plan indicating proposals for dealing with these issues for review and approval by the HOA Board of Directors. Areas disturbed by staging, or parking, must be completely re-vegetated to the satisfaction of SARC.
- C. An area corresponding to the Development Envelope must be completely fenced during construction to avoid landscape damage outside the envelope. Fencing design and locations must be approved by SARC prior to installation. All trees 10' in height or taller which are in the Development or Building Envelopes and are not approved to be removed during construction must be fenced at the drip line.
- D. Construction activity is subject to the Maroon Creek Club Fugitive Dust Control Plan and Permit provided by the State of Colorado. The plan is part of the Association documents that all owners receive, and is hereby referenced in the Design Guidelines as a condition of all approvals.

Please be reminded that all construction sites must keep blowing dust under control by means of periodic watering or other means as necessary to avoid nuisance to other properties. Violations of this requirement will result in fines for work which does not comply with the terms of an approval.

- D. No firearms shall be permitted within the construction areas on Maroon Creek Club properties.
- E. Construction activity shall be limited to periods from 7:00 am to 5:00 pm, Monday through Saturday. No construction activity is allowed on Sundays without express written authorization of the HOA Board of Directors.
- F. Speed limits on all Maroon Creek Club roads shall not exceed 25 MPH. Maroon Creek Club HOA reserves the right to monitor, notify and establish fines for Owners if complaints warrant action.
- G. To minimize damage to common areas and existing infrastructure, construction equipment utilizing mechanical tracks for movement shall be prohibited on any and all paved roadways. Should these vehicles be required for construction activities, they shall be transported to the site by trailer and board roading, or other applicable technologies shall be utilized to protect roadways. Owners of properties are required to notify the SARC of the

proposed schedule construction activity for each lot. Upon receipt of notice, a SARC representative shall make a site visit for the purpose of evaluating existing conditions of roads, curb/gutters, utilities and sidewalks in the general areas adjacent to the construction site. Damage to these existing improvements will be noted. At the end of the construction period an SARC representative will again visit the site and determine the extent, if any, of damage to adjacent infrastructure and appropriate costs will be billed to the Owners for repairs.

- H. The Board has unfortunately had to impose several fines for construction for which an approval from SARC was neither sought or obtained, and for construction which did not conform to the approved plans. The Board would like to remind all homeowners that the Association has a variety of review processes available to work with all sizes of requests and your schedule needs, and that our Architectural Advisor [William Lukes AIA, phone (970) 963-8025] is always available to answer questions and assist you with the approval process, whether it is a minor change during the course of construction or a new home.

Please remember the following:

- ⇒ All exterior construction and landscaping must be approved by SARC in advance.
- ⇒ SARC will impose significant fines for unapproved construction or deviations from approved plans. Fines may include per diem fines for continuing violations.

- J. No vacant lot, roadway or other location within Maroon Creek Club may be used for stockpiling building materials, fill or other construction byproducts without the express written permission of SARC or the Architectural Advisor. Anyone wishing to use any portion of any lot, common area, or right-of-way [other than the lot being built on] for such purposes should submit the following materials to the Architectural Advisor:
- A description of the lot or area proposed to be used,
  - Maximum height, width and length of the storage or staging areas,
  - cubic yards of fill, if applicable,
  - the period of time for which temporary approval is being sought, and
  - letters signed by all adjacent property owners consenting to the proposal and a letter signed by the owner of the vacant lot granting permission and indemnifying the Board, Association, and Architectural Advisor from any claims related to the request, approval and temporary use.

#### **XIV APPENDICES TO THE DESIGN GUIDELINES**

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The following documents and materials are hereby incorporated into the Design Guidelines for the Maroon Creek Club Master Association by reference:

1. Residential Master Landscape and Grading Plan
2. Maroon Creek Club Color Palette  
can be downloaded from the MCC web page at [www.williamlukes.com](http://www.williamlukes.com)
3. Maroon Creek Club Masonry Sample Panels  
available for viewing at the Highway 82 underpass or at [www.williamlukes.com](http://www.williamlukes.com)
4. Insubstantial Amendment to the Plat dated as approved by the City of Aspen on October 17, 2001  
can be downloaded from the MCC web page at [www.williamlukes.com](http://www.williamlukes.com)

**END OF DESIGN GUIDELINES**

**ADOPTED BY THE SITE AND ARCHITECTURE REVIEW COMMITTEE [SARC]  
of the MAROON CREEK CLUB MASTER ASSOCIATION**

On August 12, 2010

**OWNER ACKNOWLEDGMENT:**

I hereby acknowledge that I, as an owner of a single family property at Maroon Creek Club, have received or downloaded this version of the Maroon Creek Club Design Guidelines and have provided this information to my architect or designer.

Printed Name: \_\_\_\_\_

Lot Number: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_