

Pagosa Lakes Property Owners Association
IMPROVEMENT DESIGN STANDARDS
&
PROJECT PERMIT PROCESS

SECTION 2: DEFINITIONS

2.1 **“Acceptable Condition”** for a mobile/manufactured home. The following criteria will apply:

2.1.1 Roof shall comply with Section 3.1.11 and exterior colors shall comply with Section 3.1.13 of the Project Permit Process and compatible with surroundings.

2.1.2 Structural integrity shall mean free from sagging, caved in or bulging areas. Exterior appears straight and level and plumb.

2.1.3 Exterior siding, trim and fascia surfaces shall be free of damage, holes, cracks, dents, gouges, etc. Surface coating shall be uniform in color, not flaking, peeling, rusty, molded or faded. Siding, trim and fascia shall be uniform in texture and pattern on all elevations. Surface material shall be anchored securely.

2.1.4 Roofs on new homes shall be designed for a minimum of 65 pounds per square foot snow load as evidenced by available Department of Housing and Urban Development (HUD) data sheet. Used mobile homes must be coded for Colorado. Shingles, membranes or other covering shall not be brittle or deteriorated. Roofs shall be free from missing, loose or improperly anchored sections and free of holes, cracks, dents, gouges, non-uniform surface, warping, etc.

2.1.5 Windows, windowpanes, frames shall be free from broken or missing glass. Sills, frames and trim are installed at all windows and are undamaged with uniform color and material throughout.

2.1.6 Door surface coating and hardware shall be in good condition. Frame, sill and trim are installed at all doors and are undamaged, properly coated, and free of corrosion or other defects.

2.1.7 HUD registration number shall be visible on outside or available from the HUD data sheet. Penetrations for telephone, TV cable, etc. shall be sealed to complement siding in a workmanlike manner. Furnace stacks shall be in good repair with adequate surface coating. Shutters and exterior light fixtures shall be in good repair and properly attached.

2.2 **“Animal Enclosures”** to be defined as any outdoor enclosure in which non-agricultural and/or domestic animals and/or birds are confined. (*Section 6.2.9*)

2.3 **“Association or PLPOA”** shall mean The Pagosa Lakes Property Owners Association, a Colorado not-for-profit corporation.

- 2.4 **Building Coverage/Commercial:** Commercial building coverage shall include the footprint of all buildings and not including work yards or parking areas.
- 2.5 **“Building or Structure”** is anything constructed, assembled, erected or built on any Lot which includes, but is not limited to, a residence, commercial building, garage, barn, stable, fence, swimming pool, cabana, Guest House, storage building, greenhouse, boat dock, Driveway/Parking Pad, retaining wall, Growing Dome, etc.
- 2.6 **“Comparable”** shall mean suitable for comparison; equivalent, similar, (i.e., fabrics of equal quality).
- 2.7 **“Compatible”** shall mean capable of existing together in harmony.
- 2.8 **“Complete Application”** is when all plans, descriptions, samples, and other data required for a permit have been assembled and submitted to the Department of Community Standards (DCS).
- 2.9 **“Component Construction”** are those assemblies built off-site such as panelized exterior wall sections and/or roof trusses.
- 2.10 **“Construction Materials”** are any materials which are used for construction purposes, including, but not limited to: Foundation material, exterior and framework materials, roofing, interior, electrical, or plumbing materials, metals, stone, wood, landscaping materials, piles of dirt and rocks and other materials used in the construction of a home, installation of a structure and/or improvement on a property.
- 2.11 **“Deck”** shall mean a structural surface area integral to a house or adjacent to it, placed on grade or at an elevation in fitting with the various floor elevations of the house. The deck must not encroach on setback limits. (Also see 3.1.22 Privacy Screening)
- 2.12 **“Declarant”** shall mean the entity, which recorded the Declaration of Restrictions for a particular subdivision and its successors and assigns.
- 2.13 **“Declaration of Restrictions”** is the document recorded along with any subsequent amendments as recorded, along with each subdivision plat, setting forth the covenants, controls and restrictions applying to the Development and/or the Subdivisions.
- 2.14 **“Development”** shall mean all of the Subdivisions within the Association, collectively.
- 2.15 **“Dock”** shall be defined as a Structure to which boats may be tied and may also serve as a recreational area for the assembly of persons. (*Section 5*)
- 2.16 **“Driveway”** shall mean a constructed vehicular access serving one (1) or more Lots, and shall be of all-weather construction using concrete, asphalt, gravel, pavers and/or stone. (*Section 3.1.25*)

- 2.17 **“Dude Ranch”** is a Property within specified subdivisions (Martinez Mountain I and II, Pagosa Meadows II, III, and IV) operated as a resort for tourists, which provides overnight lodging, meals, horseback riding and other outdoor activities.
- 2.18 **“Dwelling”** One or more rooms and a single KITCHEN and at least one bathroom, designed, occupied or intended for occupancy as separate living quarters for the exclusive use by an individual, family, or group of persons sharing living arrangements, located in a single-family, two-family or multi-family residential district as applicable according to the LOT’s land use classification.
- 2.19 **“Exterior Mechanical Equipment”** shall include but is not limited to pad mounted equipment such as generators, HVAC (Heating, Ventilation and Air Conditioning) units, and equipment for pool and spas. *(Section 3.1.34)*
- 2.20 **“Factory Built Home”** is a housing unit built in factories, rather than on site, and then taken to the place where it will be occupied. Modular and Manufactured Homes are both factory built.
- 2.21 **“Fence”** shall mean a Structure of any type of material (e.g., wood, metal, wire, etc.) used for privacy, boundary designation, landscape accent or enclosure. The term does not include porch or deck enclosures or screens, hedges, shrubs, or other vegetative barriers. *(Section 6)*
- 2.22 **“Fire Mitigation”** shall mean the removal of natural materials to create a defensible space and lessen the fire severity which may cause destruction or damage to property.
- 2.23 **“Flagpole”** shall mean a pole anchored in the ground that a fabric flag is attached to. The pole cannot be higher than the home and no higher than a maximum height of 20’. Flags cannot be larger than 3’ x 5’ and no more than two flags can be flown at a time. *(section 3.1.37)*
- 2.24 **“Grade Change”** shall mean any changes to the ground level being made on a lot in excess of one (1) foot.
- 2.25 **“Growing Dome”** is a hemispherical structure used to grow, produce and protect trees, shrubs, flowers and vegetables.
- 2.26 **“Guest House”** shall mean an accessory Building designed and used for the purpose of providing temporary living accommodations for guests or for members of the same family as that occupying the main Dwelling and containing NO kitchen facilities. *(Section 3.1.26)*
- 2.27 **“Hammerhead”** is an extension to one side of a driveway that provides space for a vehicle to back in and out of.
- 2.28 **“Height from Grade”** shall mean the following: (Example on page 2-10)
- 2.28.1 The building height will be measured from the average grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat roof; to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and it’s eave of a gable, hip, or gambrel roof. *(IRC, Amended 10/2016)*

2.28.5 Exceptions to height limitations:

2.28.5.1 Mechanical or structural features such as chimney and in commercial buildings, elevator and stairwell enclosures, ventilators, etc.

2.28.5.2 Ornamental structural features such as cupolas.

2.28.5.3 Commercial buildings may have a parapet wall or false front, but these may not exceed four (4) feet above the highest point of the roof.

2.28.5.4 Limitations to height exceptions:

2.28.5.4.1 No portion of any Building or Structure permitted as an exception to a height limitation shall be used for human occupancy.

2.28.5.4.2 Any structural exception to height limitations shall be erected only to the minimum height as may be necessary to accomplish the purpose it is intended to serve.

2.28.5.4.3 If the Roof area covered by such structural elements equals 20% or more of the total roof area it shall be considered as integral part of the whole Structure, and therefore, not eligible to exceed the height limitations.

2.29 **“Improvement”** shall mean all Buildings or Structures, parking areas, loading areas, Fences, walls, hedges, plantings, patios, Driveways/Parking Pads, docks, walkways, recreational facilities, Signs, Decks, enclosures, change in exterior color or shape, excavation, and all other site work including without limitation grading, road construction, utility improvements, removal of Trees, and any new exterior constructions or exterior improvement constructed or completed on a Lot. (*Section 1.2*)

2.30 **“Kitchen”** Any room in a DWELLING, BUILDING or STRUCTURE, designed for the preparation and cooking of food that contains any of the following facilities: stove, refrigerator (except those not larger than 6 cubic feet), sink (excluding wet bar sinks not larger than 12”x12”), oven, range, and cooktop.

2.31 **“Living Area (Living Space)”** is the square foot area of a Dwelling (which is enclosed, heated and has a finished floor) as measured from the outside surface of the outside walls. Finished areas that are directly connected to the main body of the house by other finished areas such as hallways or stairways are included in the finished square footage of the floor that is at the same level. Finished areas that are not connected to the house in such a manner cannot be included in the finished square footage of any level. Garages and storage areas outside the garage/residence firewall are not included. Lofts and second floor areas which have a ceiling less than five (5) feet in height, are not considered as living area. For multi-story structures, the opening for stairs and that area under the stairs, where there is no specified height requirement, are included in the finished square footage calculations.

2.32 **“Local Street”** is a street designed to serve residential sites or less concentrated activities (Circle, Court, Drive, Place, Way) as referenced in the Declaration of Restrictions for Central Core, Ridgeview and Village Service Commercial Subdivisions.

2.33 **“Lot/Parcel/Property/Tract”** shall mean real property described in any Subdivision plat which has been designated for separate ownership but shall not include any tracts which are designated as open space, common area, greenbelt, or other similar designations (except to the extent such areas are common elements or common area within a condominium or townhome association which has been developed on an originally platted Lot). Individual townhomes and condominium units may be considered a Lot.

2.34 **“Major and Arterial Street”** shall mean a street designed to carry greater volumes of traffic at higher speeds or longer distances (Boulevard or Avenue) as referenced in the Declaration of Restrictions for Central Core, Ridgeview and Village Service Commercial Subdivisions.

2.35 **“Major Construction Project”** shall mean the following:

2.35.1 Typically involves residential or commercial Building(s) on a vacant Lot and making all the necessary Improvements such as grade changes, drainage provisions, tree removal, etc. with a cost of more than \$12,500.

2.35.2 Altering, revising, changing, improving or removing an existing Structure.

2.35.3 Adding an outbuilding in excess of 200 square feet such as a detached garage, barn, stable, cabana, Guest House, storage building, workshop, greenhouse, Growing Dome, etc.

2.36 **“Manufactured Home”** shall mean a Structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is:

- At least 400 square feet
- Built and remains on a permanent chassis
- Designed to be used as a dwelling with a permanent foundation built to FHA criteria.

The U.S. Department of Housing and Urban Development (HUD) defines permanent foundation systems in its Manufactured Home Procedural and Enforcement Regulations as follows:

“A site-built permanent foundation is a system of supports, including piers, either partially or entirely below grade which is:

- Capable of transferring all design loads imposed by or upon the structure into soil or bedrock without failure,
- Placed at an adequate depth below grade to prevent frost damage, and
- Constructed of concrete, metal, treated lumber or wood, or grouted masonry.”

The Structure must be designed for occupancy as a principal residence by a single family.
(Section 3.1.4)

- 2.37 “**Mini-Mall**” shall mean a multi-occupancy building(s) with common interior hallways.
- 2.38 “**Minor Construction Project**” are those that typically involve a single small activity such as a grade change, drainage revision, deck/patio, fence, addition or revisions, adding an outbuilding of 200 square feet or less with a cost of less than \$12,500.
- 2.39 “**Mobile Home**” shall mean a Manufactured Home as defined by the U.S. Department of Housing and Urban Development (HUD).
- 2.40 “**Modular Home**” shall mean a house that is manufactured in an off-site facility and then delivered to their intended site of use. It is a framed unit built to local building codes, which may have different construction standards depending on the final destination of the modules. It is a home built in a controlled, environmentally protected building center using precise and efficient construction technology. A Modular Home is built to the same codes as a site built home. Independent building inspectors are at the manufacturing facility to supervise the construction and ensure that all building codes are adhered to during assembly. Modular Homes are typically transported to their site by means of flatbed trucks. Many Modular Homes are of multi-level design and are often set in place using a crane.
- 2.41 “**Neighborhood Rules and Regulations**” are those requirements adopted by the PLPOA for the regulations of the Pagosa Lakes common interest community.
- 2.42 “**Pagosa Lakes**” is the common interest community comprised of all the Property deed restricted with the Declaration of Restrictions – Pagosa or any other Subdivision declaration falling within the Association’s jurisdiction.
- 2.43 “**Panelized, Prefabricated, Pre-cut Home**” is a Building that has panelized construction with whole wall sections transported to a building site. Prefabricated construction has building units transported to a building site. Pre-cut construction has materials factory cut to design specifications and transported to a building site.
- 2.44 “**Parking Pad**” shall mean an off-street area for parking, with spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor Vehicles, and may include Driveways or access ways in and to such areas, consistent with Archuleta County specifications, with a minimum of two (2) areas one hundred eighty (180) square feet and measuring a minimum of nine (9) feet wide and twenty (20) feet long. Parking Pads shall not encroach into setbacks. (Section 3.1.25)
- 2.45 “**Patio**” shall mean a concrete, tile, stone or other solid surface area installed on grade. The patio must not encroach on setback limits. (Also see 3.1.22 Privacy Screening)
- 2.46 “**Portable Agricultural Structure**” shall mean a structure, without any foundation or footing that is readily moveable, which is designed and constructed to house farm or forestry

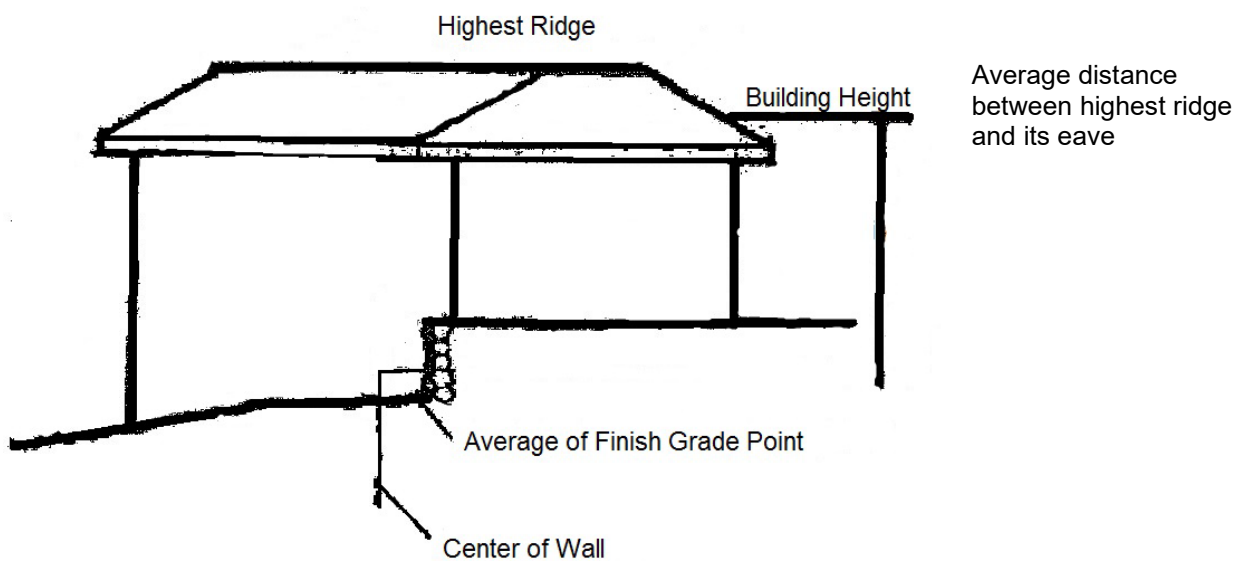
implements, hay, grain, poultry, livestock, or other horticultural or wood products. This structure may not be a place of human habitation, but can be used for occasional or seasonal storing, processing, treating, or packaging, of agricultural or forest products. *(Section 3.1.32)*

- 2.47 **“Portable Outdoor Fireplace”** shall mean a portable, outdoor, gas or solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A Portable Outdoor Fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
- 2.48 **“Project Permit Process”** is the process, standards, specifications, rules and procedures for the consideration and approval of any proposed Improvement or modification whatsoever by the Environmental Control Committee. The Project Permit Process is adopted and amended from time to time by the Environmental Control Committee and ratified by the Board of Directors.
- 2.49 **“Property Owner or Owner”** is the person or entity holding title to a Lot within the Pagosa Lakes community. Owners are responsible for the actions of tenants, guests or invitees as well as their own actions relative to a Property.
- 2.50 **“Proposed Landscape Planting”** shall mean a plan that shall include the type of hardscape or vegetation, and location of same on a plot plan or improvement location certificate of the Lot which shows the location of existing or proposed Buildings or Structures, easements and setbacks.
- 2.51 **“Purging”** is the process of removing a Mobile/Manufactured Home from the personal property category and reclassifying it as real property via the Archuleta County Assessor. A home must have an approved plan for permanently attaching it to the land to be capable of being purged. *(Section 3.1.4.3)*
- 2.52 **“Rail”** shall mean a member extending horizontally from one fence post to another. *(Section 6)*
- 2.53 **“Ramp or Walkway”** shall be defined as a Structure serving as an access to a Dock, or serving as a Dock to which boats are tied. *(Section 5)*
- 2.54 **“Rear Yard”** is the area located behind the residence from the corners where the side and rear walls intersect extending to the side and rear Property lines.
- 2.55 **“Recreation Vehicle”** shall mean an automobile, travel trailer, camp-car, camper, bus, motor home, or other vehicular or portable unit, with or without motor power, designed and constructed for travel and intended for human occupancy as temporary living quarters for recreational, vacation or travel purposes.
- 2.56 **“Sign”** shall mean any device, fixture, placard, banner, or Structure that uses any color, form, graphic, symbol, or wording to advertise, announce, identify, or communicate information of any kind to the public. Temporary signs and banners not permanently mounted in one location are included in this definition. A Sign does not include house numbers or nameplates. *(Section 7)*

- 2.57 **“Single Family Dwelling”** shall mean a Dwelling which is not attached to any other Dwelling or Building by any means, is situated on a permanent foundation containing one (1) or more rooms, at least one (1) kitchen and at least one (1) bathroom, and is designed, occupied or intended for occupancy as separate living quarters for the exclusive use of a single family unit for living, cooking and sanitary purposes.
- 2.58 **“Single Story”** shall mean a Structure where there is no finished living space with a finished floor above the first floor.
- 2.59 **“Site-Built Home”** is a home constructed entirely on a Lot in conformity with state and local building codes. It is also called a “stick-built” home. Use of off-site fabricated Roof trusses is normal to a site-built home.
- 2.60 **“Site Plan”** is prepared by a Colorado registered professional land surveyor showing the exact location of a Structure on a Lot. Detailed requirements of the Site Plan are described in Section 4.8.
- 2.61 **“Stop Work Order”** is the Association’s formal notice to a contractor or Owner to cease work on an Improvement.
- 2.62 **“Story”** is that portion of a Building between the upper surface of any floor and the upper surface of the floor or roof next above, except that the topmost story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or Roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50% of the total perimeter or is more than twelve feet above grade as defined herein at any point, such usable or un-used under floor space shall be considered as a story.
- 2.63 **“Strip Center”** shall mean a multi-occupancy Building(s) with no common interior hallway.
- 2.64 **“Subdivision”** shall mean the individual neighborhoods established by any of the plats concerning real Property within the Development.
- 2.65 **“Substantially Complete”** shall mean a Building on which the Roof is finished, all exterior doors and windows are installed, exterior siding and trim are finished and painted or stained, an all-weather Driveway and any other Improvements are complete, the Lot is cleared of construction material and debris.
- 2.66 **“Temporary/ Seasonal Structures”** shall be defined as any piece of work or structure without a permanent attachment to the ground and used, or intended to be used, for a period not to exceed 180 consecutive days. Such structures shall comply with all applicable Architectural Requirements and Standards for the subdivision in which it is located. The structure shall also comply with all PLPOA Requirements and Standards, which shall override and supersede, unless less restrictive, all subdivision Architectural Requirements and Standards in case there is a conflict between the requirements and standards for the two entities. *(Section 3.1.31).*
Permit is valid for 6 months only.

- 2.67 **“Tree”** shall mean all Trees, dead or alive, three (3) inches in diameter or larger, measured at four and one-half (4.5) feet from the base of the tree. Gambrel Oak (oak brush) is not considered to be a Tree unless it measures six (6) inches in diameter or larger measured at four and one-half (4.5) feet from the base. *(Section 1.9.3.7 & 11)*
- 2.68 **“Unit”** shall mean a pre-fabricated Structure of living space assembled off-site.
- 2.69 **“Variance”** shall mean a deviation from requirements and regulations. *(Section 8)*
- 2.70 **“Vehicle”** shall mean a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks; except that the term does not include low-power scooters, wheelchairs, or Vehicles moved solely by human power.
- 2.71 **“Wainscot”** shall mean a lower section of a wall, which receives a different color, texture or material (e.g. rock facing) or other distinguishing feature. (Section 4.2.5)

“Height from Grade” Example (*Reference Section 2.28*):



Building Height Measurement Example