



**ARCHITECTURAL DESIGN GUIDELINES
FOR
THOMPSON PARK SUBDIVISION,
TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO**

Article I – Introduction

Section 1.1 It is the intention of the Declarant of the Thompson Park Subdivision, which comprises the real property described in Exhibit A, to construct all of the residential units proposed in the Thompson Park Subdivision. In addition, the Declarant will install all landscaping and irrigation systems for the public rights of way and other designated landscape areas within the Subdivision. The purpose of these Architectural Design Guidelines (“Guidelines”) is to provide a framework for the consideration of future additions and alterations, which may be proposed by the initial buyers of the Lots or Units and by subsequent Owners.

Section 1.2 The authority and discretion to approve or disapprove any proposed additions or alterations to the Dwellings or other Improvements or to the landscaped areas designated for maintenance by the Thompson Park Homeowners Association, Inc. (the “HOA”) shall rest exclusively with the Architectural Control Committee (“Committee”). Additionally, the Town of Carbondale shall have the right, but not the obligation, to enforce these Guidelines if the Committee or HOA fail to do so. The Committee shall consider all such additions or alterations in light of Article III of these Guidelines, but may, in addition, consider such additional circumstances and facts, as it deems appropriate in arriving at its final decision to approve or disapprove.

Section 1.3 – All capitalized terms used in these Guidelines that are not defined herein shall have the meaning assigned to them in the Declaration of Covenants, Conditions, Easements, and Restrictions for Thompson Park Subdivision (“Declaration”).

Article II – Application Procedures

Section 2.1 Application for Approval. Any owner and/or the owner’s representative proposing landscaping or construction (“Applicant”) which is subject to the review and approval of the Committee may be required to submit the following items, together with such other additional information as the Committee may request, depending upon the scope and impact of the proposed improvements. It is recommended that the Applicant schedule a preliminary meeting with the Committee to determine which, if any, of the following items may be required:

- A. Site Plan, at a scale of not less than 1/8” = 1’-0” showing the Lot and the following information:
 1. Property lines and dimensions, and building setback lines, as shown on the recorded plat.
 2. Location of the proposed improvement for which approval is sought and its relationship to property lines. Location of existing structures on adjacent lots should be indicated.
 3. Driveway, parking and walkway locations and the width, grades and proposed surface material of each.
 4. Footprint of the improvement.



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- B. Grading. The Declarant will establish finished grades of the Lot in question in accordance with the approved drainage plan. Said drainage plan shall not be altered without prior written consent of the Declarant.
1. Existing grades on the Lot, as well as proposed finished grades of any ground, shall not be altered.
 2. Any existing and proposed drainage channels and patterns, swales, culverts, catch basins or subsurface drainage systems shall not be altered.
 3. The location on the Lot of any benchmark used to set elevations shall not be altered.
- C. Architectural Drawings, including, but not limited to, the following:
1. Floor plans at a scale of not less than 3/16"=1' showing all floors and spaces intended to be used or occupied. Indicate room dimensions and square footage of each floor, and finished floor elevations on the main floor.
 2. Exterior elevations at a scale of not less than 3/16"=1' showing all exterior elevations and surfaces of the proposed improvements, including the roof and any appurtenances thereto, such as skylights, chimneys and venting, and all proposed finish grades relative to each elevation as indicated on the grading plan.
 3. Cross-sections taken through the proposed improvement at its highest point indicating the height of the structure above both natural and proposed grade.
 4. Exterior walls - clearly show the texture, color and type of material, as well as the pattern or direction of any exterior wall surfaces. Also indicate the type, material and color of any trim, doors, windows, fascia, decking and handrails. Color and material samples are required.
 5. Roof plan showing roof pitch, valleys, hips, gables and drip lines, materials, color, and the location of any protrusion beyond the surface of the roof, including, but not limited to, chimneys, parapets, facades, and skylights. Color and material samples are required.
 6. Exterior lighting shall be indicated where it occurs, together with type of fixtures, direction of light to be emitted, and information on whether such lighting is recessed or surface mounted. All exterior lighting fixtures must conform to the Town of Carbondale Lighting Ordinance.
 7. The Committee may require submission of such additional plans and other information (including models), as it may deem appropriate to the approval process.
- D. Landscape Drawings. Each Lot contains landscaped areas installed by the Declarant and maintained by the HOA, as well as landscaped areas installed and maintained by each homeowner. Any proposed alterations to the landscaping in those areas maintained by the HOA and visible to other properties in Thompson Park shall be subject to review by the Committee. In that instance, a landscape plan shall be prepared by a landscape architect or professional landscape company and shall include:
1. A planting plan at a scale of not less than 1/8" = 1'-0" showing the arrangement of all trees, shrubs, groundcovers, seeded lawn areas, sodded lawn areas and natural grass areas. A plant list or other indication of species, variety, size, quantity, spacing and location of all plant materials proposed for use on the project shall be included.
 2. A plan indicating all proposed changes to the automated irrigation system.

Section 2.2 Optional Preliminary Review. Prior to submitting any plans or specifications for approval, an Applicant may obtain a preliminary review of any proposed construction or landscaping

from the Committee upon request. The purpose of the preliminary review is to give the Applicant and/or its representatives an opportunity to discuss specific design concerns with the Committee, obtain interpretations and answers to questions concerning the Guidelines, and to establish the extent of submittal documentation necessary.

This procedure is informal, and no preliminary approval by the Committee shall obligate the Committee to approve final plans and specifications for the project after a formal submittal as provided for in paragraph 2.1. The information, plans, and specifications provided to the Committee at the preliminary review stage shall be at the discretion of the applicant, but should include sufficient information and graphic representations to allow the Committee to be helpful in the development of an acceptable construction and/or landscape plan.

Section 2.3 Fees. The application for preliminary design review, or for final approval of any landscaping or construction plan shall be accompanied by a deposit in the amount of \$500.00, which may from time-to-time be amended as deemed necessary by the HOA. In addition, the Applicant shall be responsible for payment of all reasonable fees and expenses charged by consultants retained by the Committee to advise the Committee with respect to the applicant's proposals. The Applicant's deposit shall be credited against such fees and expenses. An Applicant's financial obligations set forth in this Section 2.3 shall be enforced according to the provisions set forth in Article 6 of the Declaration.

Section 2.3 Inspection. Submittal of an application grants the Committee the authority to make an onsite inspection of the Lot on which the improvements are proposed. Further, the Applicant shall notify the Committee when the improvements have been completed, allowing the Committee to inspect and confirm that the improvements were completed in compliance with approved plans and specifications.

Section 2.4 Notification of Action. Upon receipt of a completed application for approval, the Committee shall have thirty (30) days in which to complete its review of the application, and to notify the Applicant, in writing, of its decision to approve or disapprove, and if disapproved, to set forth the reasons therefor.

Section 2.5 Expiration of Approval. Except as provided to the contrary for landscape completion in these Guidelines, after approval of any development plan, the Applicant shall commence with the installation or construction of the improvements within six (6) months and shall complete them within one (1) year from the approval date. Failure to do so will cause the approval to expire unless, prior to expiration, the Applicant petitions for, and receives, an extension from the Committee, which may be granted, in the sole discretion of the Committee.

Section 2.6 Application Form. Application for approval by the Committee shall be completed on forms provided by the Committee, and shall be signed by all record owners of title to the Lot on which the proposed improvements will be constructed or installed.

Section 2.7 Limitations on Architectural Design Committee Approval. In considering and approving any application for architectural design review, the Committee does not consider, and neither the Committee nor the HOA assume any responsibility for, the following:

- A. The structural capacity of the proposed improvements, nor the suitability of any proposed materials, building techniques or other aspects of the improvements relating to habitability or suitability for the intended purpose of the Applicant;
- B. Compliance with any applicable building codes, or any other statutes, ordinances, rules or regulations promulgated and made applicable to the Applicant's property by any city, county, state or federal government, or any agency, department, bureau or other political subdivision thereof; or
- C. Suitability of the proposed site of any improvements in relation to manmade or natural hazards, including, without limitation, geological instability, ground compaction, drainage or flood hazards.

Article III – Design Criteria

Section 3.1 Architectural Design. The design of any proposed additions or alterations to a structure within the Thompson Park Subdivision shall be consistent with the style and character established by the original structures built by the Declarant in the Subdivision.

Section 3.2 Solar Collectors. Sloping roofs suitable and intended for the installation of roof-mounted solar collectors have been incorporated into the original dwelling units. Installation of roof-mounted solar collectors on said roofs, installed parallel to the roof and projecting no more than required to achieve a waterproof and structurally adequate mounting, are permitted without Committee approval. Installation of rack-mounted solar collectors on roofs not sloped or oriented for roof-mounted solar collectors as well as free standing solar collectors are prohibited.

Section 3.3 Exterior Wall Materials. Additions and alterations shall use exterior wall materials consistent with, and substantially similar to the exterior finish materials used in the initial construction.

Section 3.4 Windows. Windows used in additions and alterations shall substantially match the material, color and profile of the windows used in the initial construction.

Section 3.5 Pet Enclosures. All dog runs, pens, and other pet enclosures shall be immediately adjacent to the dwelling, and landscaped or otherwise screened or fenced so as to obscure them from view from neighboring lots or adjacent streets. All such pet enclosures must receive approval by the Committee prior to construction.

Section 3.6 Exterior Lighting. All exterior lighting shall be shielded and directional and the light source should not be visible from neighboring properties or adjoining streets. All exterior lighting must meet the requirements of Carbondale's Lighting Ordinance. All exterior lighting proposed in any additions or alterations shall require the approval of the Committee prior to installation, and all plans submitted for approval shall show clearly the location, and type of light fixtures proposed, together with any other information which may be helpful to the Committee in reviewing the application.

Section 3.7 Fencing. Fencing may be installed at the heights and in the locations indicated on the approved Thompson Park Subdivision Plat documents. All fencing shall be natural finish cedar, which



may only be treated with clear sealers that do not impart a color to the natural wood finish. All fencing must be installed in accordance with the requirements of the Town of Carbondale's Unified Development Code in effect from time to time. A site plan demonstrating compliance with these Guidelines shall be submitted for review and approval prior to installation.

Section 3.8 Landscaping. Those areas of the Lot with landscaping installed and maintained by an owner are not subject to the landscape requirements of these Guidelines. In those areas, owners are, however, strongly encouraged to use native and low-water-use species in order to promote water conservation. Applicants proposing landscaping changes in areas of the Lot with landscaping maintained by the HOA shall submit plans demonstrating conformance with the following Guidelines:

- A. All lawns shall be low-water species.
- B. List of approved shrubs: See Exhibit "B" hereto.
- C. List of approved trees: See Exhibit "B" hereto.
- D. The existing irrigation system shall be altered and or expanded as necessary to properly irrigate the proposed plantings, and the Applicant shall demonstrate to the satisfaction of the Committee that the amount of water to be used to irrigate the proposed plantings does not exceed the amount of water used prior to irrigation of the proposed plantings.
- E. The Applicant shall obtain from the landscaping contractor a two (2) year warranty on all trees and shrubs and grant to the HOA the same right to invoke the warranty as the Applicant.
- F. All costs associated with accomplishing proposed changes to the landscaping within the areas maintained by the HOA shall be borne by the Applicant proposing said changes.

Section 3.9 Terraces. To protect and ensure owners' privacy from adjacent units, owners may construct rooftop terraces upon application to and approval from the Committee.

- A. Terraces may only be constructed within the roof areas designated on the approved schematic architectural plans for any phase of development of the Thompson Park Subdivision.
- B. The design of any rooftop terrace must be sympathetic to and compliment the architectural character of the existing buildings within the Subdivision.
- C. Applications for the construction of any proposed rooftop terraces are subject to the review and approval process set forth in Article II of these Guidelines.

Section 3.10 Limitation on Redevelopment of Parcel 2. The redevelopment or remodel of any Dwelling on Parcel 2 of the Thompson Park Subdivision shall be limited to the original, as-constructed footprint of the Dwelling. Unless and until the impervious lot coverage requirements set forth in the Town of Carbondale's Unified Development Code,¹ in effect from time to time, allow for additional impervious area on Parcel 2, no additional impervious area may be added to any Lot within Parcel 2.

¹ The Town's impervious lot coverage requirements are codified in Section 3.7.2 as of the date of adoption hereof.



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Pervious paving systems and materials required by the Town on Parcel 2 shall remain in place and may not be replaced by impervious surfaces without Town approval.

Article IV – Miscellaneous

Section 3.1 Amendment. These Guidelines may be amended from time to time as deemed necessary by the Committee in its discretion. All approved amendments shall be recorded in the real property records of the office of the Garfield County Clerk & Recorder.

Section 3.2 Non-Liability for Design Review. The Committee will use reasonable judgment in accepting or disapproving all plans and specifications submitted to it. Neither the Committee, nor the HOA, nor any individual Committee or HOA board member will be liable to any person for any official act of the Committee in connection with submitted plans and specifications, except to the extent that the Committee or any individual Committee member acted with malice or performed any intentional wrongful acts. Approval by the Committee does not necessarily assure approval by the appropriate governmental body or the Town of Carbondale. Notwithstanding that the Committee has approved plans and specifications, neither the Committee, nor the HOA, nor any of their members will be responsible or liable to any Applicant, owner, developer, or contractor with respect to any loss, liability, claim, or expense which may arise by reason of such approval of any application or the construction of any Improvement(s). Neither the HOA, nor the Committee, nor any agent thereof, nor Declarant, nor any of Declarant's partners employees, agents, or consultants will be responsible in any way for any defects in any plans or specifications submitted, revised, or approved in accordance with the provisions of the Thompson Park Declaration, these Guidelines, the Development Plan for the Subdivision, or the Subdivision rules, nor for any structural or other defects in any work done according to such plans and specifications. In all events the HOA will defend and indemnify the Committee members in any such suit or proceeding which may arise by reason of the Committee's decisions; provided, however, that the HOA will not be obligated to indemnify a member of the Committee to the extent that any such member is adjudged to be liable for malice or intentional wrongful acts in the performance of his or her duty as a member of the Committee, unless and then only to the extent that the court in which such action or suit may be brought determines upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnification for such expense as such court shall deem proper.

EXECUTED this 15th day of November, 2019

DECLARANT

Thompson Park, LLC, a Colorado limited liability company

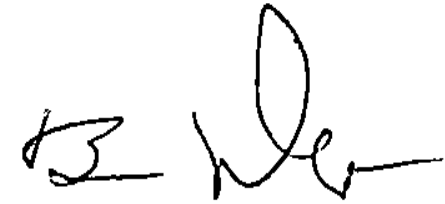

By: Jacques Machol, Co-Manager

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing Architectural Design Guidelines for Thompson Park Subdivision, was acknowledged before me this 15th day of November, 2019, by Jacques Machol as co-manager of Thompson Park, LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires:

BRUCE MECHURA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19934006952
MY COMMISSION EXPIRES APRIL 19, 2020


Notary Public

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EXHIBIT A

Thompson Park Subdivision Legal Description

Parcels 2, 3, and 4 of the THOMPSON PARK SUBDIVISION according to the MASTER PLAT thereof recorded May 19, 2015, as Reception No. 862909, Garfield County, Colorado



EXHIBIT B
 APPROVED PLANT SPECIES

EVERGREEN TREES:

Botanical Name	Common Name
Abies concolor	White Fir
Picea pungens	Colorado Blue Spruce
Pinus aristata	Bristlecone Pine
Pinus nigra	Austrian Pine
Pseudotsuga menziesii	Douglas Fir

DECIDUOUS TREES:

Shade Trees

Botanical Name	Common Name
Acer platanoides (Varieties: Columnar, Deborah, Emerald Queen)	Norway Maple
Gleditsia triacanthos inermis (Varieties: Imperial, Skyline and Shademaster)	Honeylocust

Populus tremuloides	Quaking Aspen
Sorbus aucuparia	European Mountain Ash
Tilia Americana 'Redmond'	Redmond Linden

DECIDUOUS TREES:

Ornamental Trees

Botanical Name	Common Name
Acer ginnala 'Flame'	Amur Flame or Ginnala Maple
Acer grandidentatum	Bigtooth Maple
Acer tataricum (Varieties: Hot Wings, Pattern Perfect)	Tatarian Maple
Crataegus viridis 'Winter King'	Winter King Hawthorn
Prunus virginiana 'Shubert'	Shubert or Canada Red Chokecherry



EVERGREEN

SHRUBS:

Botanical Name

Common Name

Picea pungens Dwarf Globe Spruce
 'Glauca Globosa'

Pinus mugo Mugo varieties
 (Varieties: Big Tuna, Miniature, Dwarf, Slowmound, White Bud)

Buxus Boxwood
 (Use in protected north and east facing locations. Varieties: Green Velvet, Winter Gem and Julia Jane)

DECIDUOUS SHRUBS:

Botanical Name

Common Name

Acer glabrum Rocky Mountain Maple

Berberis thunbergii var. Barberry

Buddleja davidii var. Compact Butterfly Bush

Cornus sericea Dogwood varieties

(Varieties: Arctic Fire, Bailey, Cardinal, Rock Cotoneaster
 (Use in protected locations))

Cotoneaster lucidus Peking / Hedge
 Cotoneaster

Forsythia Forsythia varieties
 (Varieties: Arnold Dwarf, Northern Sun, Show Off, Sunrise')

Lonicera Honeysuckle varieties

Perovskia atriplicifolia Russian Sage

Prunus besseyi Western Sand Cherry

Prunus x cistena Purple Leaf Plum

Prunus tomentosa Nanking Cherry

Prunus virginiana Chokecherry

Rosa foetida 'Bicolor' Austrian Copper Rose

Rosa Hugonis Father Hugo Shrub Rose

Rosa Morden var. Morden Varieties Shrub Rose



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DECIDUOUS SHRUBS Cont:

Botanical Name	Common Name
Salix purpurea nana	Dwarf Arctic Willow
Spirea	Spirea
Syringa vulgaris	Lilac varieties
Viburnum x burkwoodii	Burkwood Viburnum
Viburnum carlesii	Koreanspice Viburnum
Viburnum dentatum	Arrowwood Viburnum
Viburnum lantana	Mohican Wayfaring Tree
Viburnum opulus 'Roseum'	Snowball Viburnum
Viburnum trilobum 'Bailey Compact'	Compact American Cranberrybush
Viburnum trilobum 'Wentworth'	Wentworth Highbush Viburnum

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