

Midland Park
Architectural Review and Approval Guidelines
Background
(Amended July 2017)

Pursuant to Section 15.3 of the Amended and Restated Condominium Declaration (A&RCD) for Midland Park Condominium Association and Section 5.4 of the original Condominium Declaration for the Midland Park Subdivision (CDMPS), the Board of Directors of Midland Park Condominium Association has the right to establish an Architectural Review Committee for the establishment of architectural or design guidelines, review and recommend for approval, disapproval or approval of alterations or additions to General Common Elements or Limited Common Elements, and such matters as the Board of Directors (also known as Executive Board) may request. In the event there is no formal Architectural Review Committee, the Board of Directors will act in this capacity.

The Architectural Review Committee or Board of Directors (BOD) shall review requests made by owners to utilize portions of the limited common elements of the project, and then make written recommendations regarding seeking final approval of the request. In the establishment and implementation of rules and regulations, the Architectural Review Committee or BOD shall consider the impact and harmony of the areas of activity which are being considered, with regard to the quality of the subdivision.

No change in the property can be made without prior written approval of the Board of Directors.

“Change in Property” shall mean:

- construction, expansion or exterior modification of any condominium unit or building, structure or other improvements;
- destruction by voluntary action or the abandonment of the building, structure or other improvements;
- excavation, filling or similar disturbance of the surface of land including without limitation change of grade, stream bed, ground level or drainage pattern;
- clearing, marring, defacing or damaging of trees, shrubs or other growing things; the landscaping or planting of trees, shrubs, lawns and plants; the creation of decks, patios for the benefit of less than all the condominium units or;
- any change or alteration of any color, texture or exterior appearance from any previously approved change in property.

The Board of Directors shall have complete discretion to approve or disapprove any change to the property keeping in mind:

- continuity with the architectural character of Midland Park,
- harmony with natural setting,
- enhancing existing features,
- workmanship is of high quality,
- that the changes require no maintenance on the part of the Association, and
- assuring the substantive rights of the owners in the enjoyment of common elements are not diminished.

With these guidelines, the Board aims to achieve a high degree of efficiency and consistency in the architectural review and approval process without creating an impression of any arbitrary decision making.

Midland Park Architectural Review and Approval Process

Prior to an applicant contemplating an exterior (or structural interior) alteration project, it is advisable to:

1. Thoroughly review Resolution No. 14 of the Aspen Planning and Zoning Commission's approval of a PUD Amendment to the Midland Park Subdivision, etc. This document can be found on the APCA website under HOA Documents, Midland Park.
2. Not incur the expense of professional architectural drawings/ plans or incur any professional engineering or other proposed project-related costs without first reviewing the following steps of this review and approval process.
3. **NOTE:** The PUD Amendment, condominium map and Architectural Review and Approval Process are separate items. The approved PUD Amendment is **not** a guideline to the aesthetic improvements. The PUD Amendment **does not and never was intended to create authority** to make improvements. **It only identifies permitted (under Resolution No. 14) improvements.** Any homeowner wishing to undertake one of the permitted improvements is still required to undergo and abide by the architectural guidelines stated in this document.

Once the BOD has given conceptual approval to the proposed plan, the process for gaining final approval of the applicant's proposed project is as follows:

1. Applicant or their architect is to draw up preliminary drawings of the proposed modification plan to an understandable level of detail.
2. Applicant is requested to review the preliminary proposal and drawings with impacted neighbors, including those in all adjacent buildings if the request creates a visual impact on that unit or building.
3. Applicant should then request a meeting with the Architectural Review Committee (or Board of Directors acting in said capacity) to review the preliminary drawings/plans and comments of impacted neighbors.
4. Architectural Review Committee (or Board of Directors) upon review of preliminary drawings, may offer changes to design and ask for another meeting to review revised drawings. Applicant is welcome to have his/her architect attend the current and/or next meeting where revised plans will be discussed.
5. Should all changes be accepted, applicant should then get submittal ready drawings and plans, and seek acknowledgement from the affected neighbors of this review, in writing on the first page of the actual drawings or architectural renderings, by having the impacted neighbor sign a notice acknowledging they have reviewed the proposal with the proposing owner. The legend for such acknowledgement will be provided to applicant's architect by the Architectural Review Committee (or Board of Directors).
- 6.. Applicant is then to submit the final drawings to the Architectural Review Committee (or Board of Directors) providing a second set of drawings to the Association, along with information regarding the duration/timeframe for the construction of the planned modification.
7. Once the Committee has made its recommendation, it will be requesting copies of:
 - building permits,
 - final approved drawings, with any changes noted from the Building Department,
 - name(s) of contractor and proof of current license status,

- proof of contractor’s workman’s compensation insurance,
 - any such other data including but not limited to surety bonds as the BOD may require,
 - proof of contractor’s liability insurance naming MPCA as an additional insured
 - weekly construction updates or such additional information as is deemed necessary.
8. If the plan is approved, the Committee (or Board) will issue a letter of approval for submittal to the Building Department for a building permit. All exterior modifications and some structural interior modification, such as the installation of a lofts and or encroachments into attic space for storage, may require a building permit.
9. All exterior modifications are to conform to the color palette currently approved by the Committee (or Board). The approved palette is:
- Stain – Sherwin Williams “Spicewood”
 - Trim and fascia colors – Pittsburgh Paints – PPG1132-6 “Mallard Green” and PPG1058-7 “Autumn Ridge”

Exterior modifications include:

- window trim,
 - exterior door replacement and trim,
 - storm/screen door installation,
 - siding replacements/additions,
 - garage door installations,
 - any exterior additions of any kind.
10. Applicant is advised that any major exterior modification into a Limited Common Element *may* require an amendment to the Midland Park Condominium Map as referenced in the revised and restated Condominium Declarations. Should an amendment be necessary, amending the map will be the responsibility of the party or parties undertaking a modification and would need to be undertaken in a timely manner.
11. Owner and contractor are to adhere to the City of Aspen permitted hours of construction as well as allowable noise generation levels. No work, however, shall be done on Saturdays or Sundays.
12. Owner is to notify the Board of Directors and impacted neighbors when work will commence and anticipated duration of the project. The Committee will expect a realistic time frame for all work being done, exterior and interior.
13. Owner and Contractor are responsible for notifying the Board of Directors and impacted neighbors about:
- staging areas,
 - cleanup of site,
 - contractor parking issues,
 - construction delays, etc.
14. Penalties for non-compliance with these guidelines and/or restoration work, if necessary, will be determined and strictly enforced.

15. The Board reserves the right to require a performance/construction/ completion bond from the Owner/Applicant, based on total cost of the project, up to 25% of the proposed cost of the project. The bond will be held by the Association and used only in the event the project is delayed beyond a reasonable timeframe [six (6) months after the projected completion date] or the applicant is financially unable to complete the project. The bond amount (full amount or unused remainder amount) will be returned to the applicant upon completion of the project and the issuance of a Certificate of Occupancy by the Aspen Building Department.

***NOTE:** Additional requirements are currently being researched by the BOD, acting as the Architectural Review Committee in conjunction with the Community Development Department. Once there is final clarification by the Community Development Department regarding amending the condominium map and any other additional steps the applicant may need to complete, this document will be further amended and finalized.*

Approved and Adopted by Midland Park Board of Directors, July 18, 2017.