

Winter Park Highlands



Regulations & Procedures

1. **Protective Covenants.** All lots in the Winter Park Highlands (“WPH”) are subject to the provisions of the Winter Park Highlands Master Declaration of Protective Covenants (“Covenants”) adopted by each WPH Unit. The Covenants carry with the land and any owner of any lot in the WPH (“Owner”) is legally obligated to conform to the Covenants.
2. **Architectural Committee.** The WPH Architectural Committee (“Committee”) is responsible for reviewing all new structures and changes to structures, and general conformance to the Covenants by Owners.
3. **Wild Fire Considerations.** The WPH is situated in a dangerous wild fire zone. The Winter Park Highlands Association (“WPHA”) has worked hard to make the WPH less vulnerable to wild fire danger, but all Owners are strongly encouraged to reduce wild fire danger on their own lots. Recommended measures include:
 - 3.1. Firewise construction for new structures. See the Colorado State publication “FireWise Construction,” available on the WPHA web site.
 - 3.2. Creation of defensible space around all structures.
 - 3.3. Removal of highly flammable ground cover and shrubs adjacent to structures.
4. **New Construction.** All new structures (homes, decks, garages, storage sheds, fences, etc.) must be approved by the Committee prior to the commencement of construction. **Owners and their architects should read the Covenants thoroughly prior to designing any new structures.** Owners must submit the following information to the Committee Chair via email:
 - 4.1. Lot number, Unit number, County Road address (including County Road number).
 - 4.2. All Owner names, mailing address, email address(es), phone number(s).
 - 4.3. Site plan, to include the following information:
 - 4.3.1. Contours of the lot (or at least areas of lot affected by driveway and new construction) at minimum 2’ intervals.
 - 4.3.2. Location of new and any existing structures on the lot.
 - 4.3.3. Existing or proposed driveway.
 - 4.3.4. WPH setback lines (40’ from any road and 30’ from any adjoining lot) and conformance of new structure to these setbacks. The setback is measured from the foundation wall to the property line. Eaves and similar architectural features can encroach up to 3’ into the setback. Decks that are attached to the house **cannot** encroach into the setback.
 - 4.3.5. **NOTE:** For any structure built within 3’ of a setback line, both the Committee and Grand County require a surveyor to verify the location of the foundation prior to the foundation being poured.
 - 4.3.6. Utility easements, including the WPH required 10’ rear utility easement.
 - 4.3.7. Well and septic locations.
 - 4.3.8. Propane tank location, if applicable.
 - 4.4. Building floor plans with dimensions.
 - 4.4.1. Main floor finished living space must be greater than 640 square feet.
 - 4.5. Building exterior elevations with dimensions, showing conformance with the WPH and Grand County height limits. The building height is measured from the lowest finished grade 10’ away from the building

Winter Park Highlands



to the tallest point on the roof, including any chimneys or vent stacks. Height limit for lots with less than 5' change in grade within the building footprint: 35'. Height limit for lots with more than 5' change in grade within the building footprint: 40'.

- 4.6. Descriptions of all exterior materials (siding, windows, timbers, roofing) along with proposed colors of each. Brochures showing photographs of such materials are encouraged.
- 4.7. In cases where the plans require the natural grade of the lot to undergo substantial disturbance: restoration or landscaping plans.

Any changes to the plans subsequent to Approval by the Committee must be re-submitted for approval.

5. **Alterations to Existing Structures.** Remodeling or additions that change the exterior appearance or footprint of existing structures must be submitted to and approved by the Committee, using the same procedure as for New Construction. Alterations include changing exterior materials or the color of exterior materials.
6. **Auxiliary Living Spaces.** Auxiliary living spaces are allowed in the WPH but must follow Grand County regulations and, for residences whose water is supplied by a domestic well permit, must follow Colorado State Division of Water Resources regulations. These regulations are summarized below, but Owners are encouraged to double check current County and State regulations:
 - 6.1. One Accessory Dwelling Unit ("ADU") is allowed per residence. The ADU must be attached to the main dwelling and conform to the following Grand County regulations:
 - 6.1.1. ADU cannot be legally sub-dividable from the main dwelling.
 - 6.1.2. There must be permanent access to the ADU from inside the main dwelling.
 - 6.1.3. ADU is limited in size to 50% of the main dwelling size or 1,500 square feet, whichever is less.
 - 6.1.4. ADU may have a full kitchen.
 - 6.1.5. The dwelling's septic design and permit must include any bedrooms in an ADU.
 - 6.2. One or more Additional Living Spaces ("ALS") are allowed per residence. An ALS may be attached to the main dwelling or detached (e.g., over a detached garage). An ALS may have a bathroom but not a full kitchen. A sink, small refrigerator (under 6 cubic feet), and small appliances are allowed. The dwelling's septic design and permit must include any bedrooms in an ALS.
 - 6.3. Division of Water Resources regulations prohibit renting or leasing an ADU or ALS, and prohibit any type of occupancy of these spaces by anyone other than a member of the family occupying the main dwelling. DWR Guideline 2016-1, "Concerning Water Supplies for Auxiliary Living Spaces," is available on the WPHA website.
7. **Short Term Rentals.** Short Term Rentals ("STR") are allowed in the WPH but must follow Grand County regulations. See the Grand County web site for current guidelines. Owners are encouraged to check with an attorney regarding the liability of Owners with regard to renters (e.g., igniting a wild fire). In addition to Grand County regulations, STRs must conform to WPH regulations:
 - 7.1. All STRs must be registered with the County and have a current County use permit.
 - 7.2. Owners must advise their renters of WPH and County regulations that apply in the WPH subdivision. These are summarized in the WPH document "WPH Notice to Renters," which is attached as an appendix to this document and is available on the Winter Park Highlands Association website.

Winter Park Highlands



7.3. Renters are unlikely to understand the dangers of living in a wild fire zone. OWNERS ARE STRONGLY ENCOURAGED TO LIMIT OUTDOOR FIRES BY RENTERS.

7.4. Violations of WPH, County, or STR regulations by renters will be reported to the County.

8. **County Approvals.** For construction requiring a County building permit, Owners should submit required documents to the Committee **prior** to submitting a building permit application to the County. Please note that all driveways require a County driveway permit issued through the Road and Bridge department.

9. **Construction Regulations.** The following regulations must be followed during construction activity:

9.1. **Signs.** Contractor signs under six square feet are permitted during construction but should be limited to fewer than three signs.

9.2. **Parking.** All construction vehicles should be parked within the boundaries of the lot.

9.3. **Sanitation.** A portable toilet or other toilet must be provided for construction workers.

9.4. **Temporary living accommodations.** No temporary living accommodations (such as tents, trailers or RVs) are allowed prior to or during construction without Committee approval.

10. **Address Signage.** An address sign clearly visible from the road is strongly suggested to assist emergency personnel. County-approved signs are available through the WPHA, and are free to WPHA members.

11. **Variations.** Owners may request the Committee to grant variations to the Covenants. Such requests must be in writing, via email to the Committee Chair. Variance requests are subject to the following considerations by the Committee:

11.1. The degree of hardship to conform to the Covenants.

11.2. The effect of the variance on the property values of adjacent lots and the WPH as whole.

Variance requests must include the following information:

11.3. Reason for variance.

11.4. Estimated impact on value of adjacent properties.

11.5. Letter(s) from adjacent property owners stating that they do not object to the proposed variance; that they do not believe the variance will negatively affect their property value; and that they waive their right to make a complaint about the variance.

11.6. At its discretion, the Committee may require the Owner to provide an appraisal by a certified real estate appraiser to verify the impact of the variance on neighboring properties.

12. **Complaints.** Owners may submit to the Committee complaints concerning possible violations of the Covenants. The Committee will investigate such complaints and report to the complaining Owner its findings.

13. **Review Process.** The Committee will normally review submissions within 30 days of receiving a complete submittal package. The Committee does not hold regular review meetings, but reviews submissions electronically. If an Owner would prefer to present plans to the Committee at a review meeting, the Owner should contact the Committee Chair to determine the feasibility of such a meeting.