

SINGLE FAMILY HOME DESIGN GUIDELINES AND STANDARDS



Residential Metropolitan District



Effective as of October 03, 2023

Design Guidelines and Standards

Table of Contents

1. INTRODUCTION.....	7
1.1. DEFINITIONS.....	7
1.2. DESIGN GUIDELINES FOR THE DESIGN REVIEW COMMITTEE.....	8
1.3. CONTENT OF DESIGN GUIDELINES.....	8
1.4. EFFECT OF THE DECLARATION, FINAL DEVELOPMENT PLAN AND FINAL PLAT.....	9
1.5. EFFECT OF OTHER GOVERNMENTAL REGULATIONS.....	9
1.6. INTERFERENCE WITH UTILITIES.....	9
1.7. GOAL OF DESIGN GUIDELINES.....	9
1.8. INTERPRETATION OF THE DESIGN GUIDELINES.....	9
1.9. ENFORCEMENT OF DECLARATION AND DESIGN GUIDELINES.....	9
1.10. ADVISING OF NEIGHBORS.....	10
2. SPECIFIC TYPES OF IMPROVEMENTS/DESIGN GUIDELINES.....	11
2.1. ADDITIONS AND EXPANSIONS.....	11
2.2. ADDRESS NUMBERS.....	11
2.3. ADVERTISEMENTS.....	11
2.4. AIR CONDITIONING EQUIPMENT.....	11
2.5. ANIMALS.....	11
2.6. ARTIFICIAL TURF.....	11
2.7. AWNINGS.....	11
2.8. BALCONIES.....	11
2.9. BASKETBALL BACKBOARDS.....	11
2.10 BEEHIVES.....	12
2.11. BIRDBATHS.....	12
2.12. BIRDHOUSES AND BIRD FEEDERS.....	12
2.13. BOATS.....	12
2.14. BUG ZAPPERS.....	12
2.15. BUILDING HEIGHT CHANGES.....	12
2.16. CABLE TV WIRING/EXTERNAL WIRING.....	12
2.17. CAMPERS.....	12

2.18. CARPORTS 12

2.19. CIRCULAR DRIVES..... 13

2.20. CLOTHESLINES AND HANGERS..... 13

2.21. CLOTH OR CANVAS OVERHANGS 13

2.22. COMPOSTING..... 13

2.23. CORNER VISIBILITY 13

2.24. DECKS 13

2.25. DOG HOUSES..... 13

2.26. DOG RUNS..... 13

2.27. DOORS..... 14

2.28. DRAINAGE 14

2.29. DRIVEWAYS 14

2.30. EVAPORATIVE COOLERS..... 15

2.31. EXTERIOR LIGHTING 15

2.32. EXTERIOR MATERIALS 15

2.33. FENCES 15

2.34. FIRE PITS..... 17

2.35. FIREWOOD STORAGE 17

2.36. FLAGS AND FLAGPOLES..... 17

2.37. FLOWERBOXES/POTS 17

2.38. GARAGE ADDITIONS..... 17

2.39. GARBAGE CONTAINERS AND STORAGE AREAS..... 17

2.40. GARDENS - FLOWER OR VEGETABLE..... 17

2.41. GAZEBOS/PERGOLAS..... 18

2.42. GRADING AND GRADE CHANGES..... 18

2.43. GREENHOUSES AND GREENHOUSE WINDOWS..... 18

2.44. HANGING OF CLOTHES..... 18

2.45. HOT TUBS AND JACUZZIS 18

2.46. HOME NUMBERS 18

2.47. HOUSE EXTERIOR MAINTENANCE..... 18

2.48. JACUZZI 18

2.49. JUNK/INOPERABLE VEHICLES..... 18

2.50. LANDSCAPE AND MAINTENANCE 18

2.51. LATTICEWORK 23

2.52. LIGHTS AND LIGHTING 23

2.53. MINING AND DRILLING 24

2.54. NEWSPAPER DELIVERY RECEPTACLES..... 24

2.55. OVERHANGS/AWNINGS - CLOTH OR CANVAS..... 24

2.56. OUTDOOR FURNITURE..... 24

2.57. PAINTING 24

2.58. PATIO COVERS..... 25

2.59. PATIOS (ENCLOSED) 25

2.60. PATIOS (OPEN) 25

2.61. PAVING..... 25

2.62. PIPES..... 25

2.63. PLAY STRUCTURES AND SPORTS EQUIPMENT 25

2.64. POLES 26

2.65. POOLS..... 26

2.66 PORCH..... 26

2.67. RADIO ANTENNAE..... 26

2.68. RAIN GUTTERS/DOWNSPOUTS 26

2.69. ROOFS 27

2.70. ROOFTOP EQUIPMENT..... 27

2.71. SATELLITE DISHES..... 27

2.72. SAUNAS 27

2.73. SCREEN DOORS 27

2.74. SEASONAL DECORATIONS..... 27

2.75. SEWAGE DISPOSAL SYSTEMS 27

2.76. SHUTTERS (EXTERIOR)..... 27

2.77. SIDEWALK/STAIRS 28

2.78. SIDING 28

2.79. SIGNS..... 28

2.80. SKYLIGHTS 28

2.81. SOLAR ENERGY DEVICES 28

- 2.82. SPAS 29
- 2.83. SPRINKLER SYSTEMS 29
- 2.84. STATUES 29
- 2.85. STORAGE 29
- 2.86. STORAGE SHEDS/ACCESSORY BUILDINGS..... 29
- 2.87. STORM DOORS..... 30
- 2.88. SUNSHADES..... 30
- 2.89. SWAMP COOLERS 30
- 2.90. SWINGSETS 30
- 2.91. TELEVISION ANTENNAS..... 30
- 2.92. TEMPORARY STRUCTURES..... 30
- 2.93. TRAILERS 30
- 2.94. TRASH CONTAINERS..... 30
- 2.95. TREE HOUSES 31
- 2.96. UNDERDRAINS 31
- 2.97. UTILITY EQUIPMENT 31
- 2.98. VANES..... 31
- 2.99. VEHICLES 32
- 2.100. VENTS..... 32
- 2.101. WALLS (RETAINING)..... 32
- 2.102. WELLS..... 32
- 2.103. WINDOWS..... 32
- 2.104. WINDOW COVERINGS..... 33
- 2.105. WOOD STORAGE..... 33
- 3. PROCEDURES FOR COMMITTEE APPROVAL. 34
 - 3.1. GENERAL 34
 - 3.2. DRAWINGS OR PLANS 34
 - 3.3. SUBMISSION OF DRAWINGS AND PLANS 34
 - 3.4. REVIEW FEE 35
 - 3.5. ACTION BY THE COMMITTEE 35
 - 3.6. VOTE AND APPEAL 35
 - 3.7. PERFORMANCE OF WORK..... 35

3.8. COMPLAINTS 35

3.9. CONFLICT OF PROVISIONS 35

4. AMENDMENT 36

EXHIBIT A – Fencing Guidelines 37

EXHIBIT B – Tree Palette 38

EXHIBIT C – Shrub & Organic Groundcover Palette 40

Lupton Village Residential District Design Guidelines and Standards

1. INTRODUCTION.

1.1. DEFINITIONS. Except as provided in these Design Guidelines capitalized terms have the meaning as defined in the Declaration. The following words, when used in these Design Guidelines, shall have the meaning hereinafter specified:

- 1.1.1. "Accessory Building" means any enclosed or partially enclosed (e.g. Gazebo) structure other than a Storage Shed (as defined in Section 2.87), Play Structure (as defined in Section 2.63) or Deck (as defined in Section 2.24).
- 1.1.2. "Board" means the Board of Directors of the District.
- 1.1.3. "City" means the Town of Fort Lupton, Colorado.
- 1.1.4. "Common Area" means all Community Property owned and maintained by the District other than Units, including, right-of-way landscaping along both sides of South Rollie Ave, north side of Weld County Road 12, both sides of Reynolds Street, east side of South Denver Ave and all open space tracts as depicted on the Lupton Village PUD Subdivision plat map (and all subsequent revisions and amendments thereto) filed with the Weld County Clerk & Recorder's Office.
- 1.1.5. "County" means Weld County, Colorado.
- 1.1.6. "Declaration" means the Declaration of Covenants, Conditions and Restrictions for Lupton Village PUD and Lupton Village Residential Metropolitan District recorded August 05, 2021, as Reception No. 4743200, in the office of the Clerk and Recorder of the County, as amended and supplemented from time to time.
- 1.1.7. "Design Guidelines" means these Design Guidelines and Standards, as such may be amended from time to time by the Committee with the advice of the Board.
- 1.1.8. "Design Review Request Form" means the form provided by the District's management company for use in submitting requests for approval of Proposed Improvements to the Committee.
- 1.1.9. "Design Review Committee" or "Committee" means the committee appointed by the Board to review and approve or disapprove requests for architectural approval, as more fully provided in the Declaration.
- 1.1.10. "District" means the Lupton Village Residential Metropolitan District.
- 1.1.11. "Established Drainage Pattern" means the drainage pattern that exists at the time the overall final grading of any property is completed and shall include any changes to the established drainage patterns shown on any plans approved by the Design Review Committee.
- 1.1.12. "Final Development Plan" means the Final Development Plans for the Lupton Village Subdivision, as approved by and on file with the City.

Lupton Village Residential District Design Guidelines and Standards

- 1.1.13. "Final Plat" means the Lupton Village Subdivision plat map, recorded on February 19, 2021, as Reception No. 4684462, in the office of the Clerk and Recorder of the County, as amended and supplemented from time to time.
- 1.1.14. "Front Yard" means all areas of a Lot between the street and the front or side of the house visible from the street(s) adjacent to the Lot.
- 1.1.15. "Home" means a residence that has been built, or is to be built, on a Lot that is in the Planned Community.
- 1.1.16. "Owner" means any person who owns a Lot but does not include a person having an interest in a Lot solely as security for an obligation.
- 1.1.17. "Lot" means each platted lot shown upon the Final Plat and any other recorded subdivision map of the real property in the Planned Community, or any other real property as may hereafter be brought within the jurisdiction of the District, and on which a Home is located.
- 1.1.18. "Planned Community" means the real estate which is described on Exhibit A to the Declaration and all other real property which is made subject to the terms and provisions of the Declaration.
- 1.1.19. "Proposed Improvement" means any Improvement that has not yet been constructed, installed, or erected and includes demolition or removal of any building, or other structure and also includes any change of the exterior appearance of a Home or other Existing Improvement.

1.2. DESIGN GUIDELINES FOR THE DESIGN REVIEW COMMITTEE. The Declaration requires prior approval by the Committee or its designated representative before any Improvement is constructed, erected, placed, or altered. These Design Guidelines apply to residential property in the Planned Community and establish certain acceptable designs for different types of Improvements. These Design Guidelines are intended to assist the Owners in determining the standards and expectations established by the Committee. Prior to installation or commencement of construction, all Proposed Improvements (except those constructed in accordance with the pre-approved standards set forth herein) must be submitted to the Committee for review and approval.

1.3. CONTENT OF DESIGN GUIDELINES. In addition to the introductory material, these Design Guidelines contain:

- 1.3.1. A list of specific types of Proposed Improvements which Owners might wish to make, with specific information as to each of these types of Proposed Improvements;
- 1.3.2. A summary of procedures for obtaining approval from the Committee; and
- 1.3.3. Figures showing approved designs for fences.

Lupton Village Residential District Design Guidelines and Standards

1.4. EFFECT OF THE DECLARATION, FINAL DEVELOPMENT PLAN AND FINAL PLAT. THE PLANNED COMMUNITY AND ALL EXISTING IMPROVEMENTS AND PROPOSED IMPROVEMENTS THEREIN ARE SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF THE DECLARATION, THE FINAL DEVELOPMENT PLAN AND THE FINAL PLAT. THESE DESIGN GUIDELINES ARE FOR CLARIFICATION AND IMPLEMENTATION OF THE TERMS AND PROVISIONS OF THE FOREGOING DOCUMENTS AND SHALL NOT SUPERSEDE THE TERMS AND PROVISIONS OF ANY OF SUCH DOCUMENTS.

1.5. EFFECT OF OTHER GOVERNMENTAL REGULATIONS. Use of any property in the Planned Community and any Existing Improvements and Proposed Improvements must comply with applicable building codes and other governmental requirements and/or regulations. Approval and permits from the City should be obtained when required. Approval by the Committee will not constitute assurance that Existing Improvements or Proposed Improvements comply with applicable governmental requirements and regulations, or that a permit or approvals are not also required from applicable governmental bodies. For information about the City's requirements, Owners should write or call the City's Building and Inspection Department.

1.6. INTERFERENCE WITH UTILITIES. In making Proposed Improvements, Owners are responsible for locating all water, sewer, gas, electric, telephone, cable television, irrigation lines, and other utility lines and easements. Owners should not make any Proposed Improvements over any such easements without the consent of the utility involved, and Owners will be responsible for any damage to utility lines.

1.7. GOAL OF DESIGN GUIDELINES. Compliance with these Design Guidelines and the terms and provisions of the Declaration, the Final Development Plan and the Final Plat will help preserve the inherent architectural and aesthetic quality of the Planned Community. It is important that the Proposed Improvements be made in harmony with and not detrimental to the rest of the Planned Community. A spirit of cooperation with the Committee and neighbors will go far in creating an optimum environment which will benefit the Owners. By following these Design Guidelines and obtaining approvals for Proposed Improvements from the Committee, Owners will be protecting their financial investment and will help to promote Proposed Improvements that are compatible with the other Homes and property within the Planned Community.

1.8. INTERPRETATION OF THE DESIGN GUIDELINES. The Committee is vested by the District with the authority to interpret these Design Guidelines.

1.9. ENFORCEMENT OF DECLARATION AND DESIGN GUIDELINES. The Committee shall have primary responsibility for the enforcement of the architectural requirements of the Declaration and these Design Guidelines. The Committee will investigate written complaints of Owners for violations of the architectural requirements of the Declaration or these Design Guidelines, if such complaints are dated and signed by the Owner making the complaint. If a violation is found, the Committee shall notify the Owner whose property is in violation, in writing, requesting that appropriate action be taken to achieve compliance. If such Owner does not bring his property into compliance with the Declaration and these Design Guidelines within forty-five (45) days, or the time specified by the notice, the Committee will request that the violation be referred to the Board for enforcement action.

Lupton Village Residential District Design Guidelines and Standards

1.10. ADVISING OF NEIGHBORS. It is recommended that Owners advise neighbors prior to submitting forms for Proposed Improvements. The Committee may, in its sole discretion, request input from adjacent neighbors.

Lupton Village Residential District Design Guidelines and Standards

2. SPECIFIC TYPES OF IMPROVEMENTS/DESIGN GUIDELINES.

The following alphabetical list covers a wide variety of specific types of Proposed Improvements which Owners typically consider installing. Pertinent information is given as to each. UNLESS OTHERWISE SPECIFICALLY STATED, DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT SHALL BE SUBMITTED TO THE COMMITTEE, AND THE WRITTEN APPROVAL OF THE COMMITTEE SHALL BE OBTAINED BEFORE THE PROPOSED IMPROVEMENT IS MADE. In some cases, as specifically noted in these Design Guidelines, an Owner may proceed with the specified Proposed Improvement without advance approval by the Committee, if the Proposed Improvement is constructed, installed and located in accordance with the stated guidelines for such Proposed Improvement. Proposed Improvements that are not specifically addressed in these Design Guidelines will require Committee approval. The architectural style of a Proposed Improvement shall be consistent with the style and character of the Home and other residences built in the same general area of the Planned Community. The Committee in its sole discretion shall determine such consistency.

2.1. ADDITIONS AND EXPANSIONS. Committee approval is required. Owners must use a Design Review Request Form when submitting a request for an addition or expansion. Additions or expansions to the Home will require submission of detailed plans and specifications, including description of materials to be used and plan and elevation drawings showing dimensions, setbacks/roof slopes, etc. Additions and expansions must be of the same architectural style and color as that of the Home. ALL WORK IS SUBJECT TO OBTAINING THE REQUIRED PERMITS FROM THE CITY.

2.2. ADDRESS NUMBERS. Address labels shall be located on the trim board above the garage door. Committee approval is required to alter or relocate the address numbers to another location on the house. Address labels shall be maintained in good repair (e.g. no missing or damaged numbers).

2.3. ADVERTISEMENTS. See Signs.

2.4. A/C EQUIPMENT. Committee approval is required. Only air conditioning equipment (including swamp coolers) which are ground-mounted and installed in the rear yard area or rear half of the house in the side yard area (e.g. behind a wing fence) will be approved. The foregoing should be installed in such a way that any noise to adjacent Homes is minimized. Installation of air conditioning equipment (including swamp coolers) on the roof, in windows or, in the exterior walls of a Home will not be permitted.

2.5. ANIMALS. Owners must comply with City Ordinances. No more than three pets shall be raised and maintained on a Lot.

2.6. ARTIFICIAL TURF. Committee approval is required.

2.7. AWNINGS. See Overhangs/Awnings - Cloth or Canvas.

2.8. BALCONIES. See Decks.

2.9. BASKETBALL BACKBOARDS. Temporary (i.e., portable and not attached to the Home or otherwise affixed to the Lot such that it is easily removable) basketball backboards are acceptable and may be placed on the Lots without prior approval if the conditions herein are met. The temporary

Lupton Village Residential District Design Guidelines and Standards

basketball backboards must be placed on the Lot in such a manner that they do not block or interfere with sidewalks and pedestrian walkways. Basketball backboards shall not be placed in any location other than on the Lot, including upon any of the public or private streets in the Planned Community. Temporary basketball backboards must be kept in a good, working condition if placed in a location visible to neighbors or from the street. Between December 1st and March 31st, temporary basketball backboards must be laid down on their side and stored on the side of the Home when not in use. Any temporary basketball backboard with broken backboards and or poles, torn nets, missing or broken rims must be stored within the Home or behind the Rear Yard Perimeter Fence and must not be observable from the street. Permanent (i.e., attached to the Home or affixed to the Lot such that is not portable or easily removed) backboards installed on the home are not allowed.

2.10 BEEHIVES. Owners must comply with City Ordinances.

2.11. BIRDBATHS. Committee approval of birdbaths that do not exceed three (3) feet in height or width (including any pedestal) is not required if placed in the rear yard area of a Lot. Installation of any birdbaths in the front yard areas of a Lot or birdbaths that exceed the dimensions stated herein requires Committee approval.

2.12. BIRDHOUSES AND BIRD FEEDERS. Committee approval of birdhouses and bird feeders which do not exceed 1' x 2' and are aesthetically compatible with the exterior of the Home is not required if the same are installed in the rear yard area of a Lot. No birdhouse or bird feeder must be installed within six (6) feet of the ground level of the Lot. Installation of birdhouses and bird feeders in the front yard areas of a Lot requires Committee approval.

2.13. BOATS. See Vehicles.

2.14. BUG ZAPPERS. Committee approval of bug zappers is not required unless (1) the charged area of the zapper is greater than four square feet or (2) such bug zapper is placed outside the front porch or backyard porch/deck area.

2.15. BUILDING HEIGHT CHANGES. Requires Committee review and approval and must comply with applicable building codes and zoning regulations established by the City.

2.16. CABLE TV WIRING/EXTERNAL WIRING. Cable lines or other external wiring running from the cable box to the Home shall be properly buried. Cable lines running on the exterior of the Home shall be installed in a manner so as not to be easily visible from the street or neighboring properties. Cable lines running horizontally across the Home exterior must run parallel with all siding and trim boards, and when possible, such lines must run underneath roof eaves. Cable lines running vertically along the House exterior must be installed in a manner that minimizes the visibility of cable lines running horizontally along the House exterior. Cable lines shall not be installed diagonally across any surface area of the House exterior. All cable lines must be painted to match the existing color(s) of the Home. See also "Satellite Dishes".

2.17. CAMPERS. See Vehicles.

2.18. CARPORTS. Not permitted.

Lupton Village Residential District Design Guidelines and Standards

2.19. CIRCULAR DRIVES. Not Permitted.

2.20. CLOTHESLINES AND HANGERS. Committee approval is required for clotheslines or hangers. Only retractable clotheslines and hangars may be installed and such equipment may only be installed in the rear of the Lot in such a manner that they are not easily visible from the street. Clothing must be promptly removed from lines when dry. Clotheslines must be retracted when not in use.

2.20.1 Maintenance: Clothing must be promptly removed from lines when dry. Clotheslines must be retracted when not in use. Clothing, rugs and other similar fabric/cloth items cannot be hung to dry anywhere on the House exterior or fence lines.

2.21. CLOTH OR CANVAS OVERHANGS. See Overhangs/Awnings - Cloth or Canvas.

2.22. COMPOSTING. Committee approval is required. Composting containers must not be immediately visible to adjacent properties and must not emit any offensive odors. Underground composting is not permitted.

2.23. CORNER VISIBILITY. Compliance with the City's intersection sight distance criteria required.

2.24. DECKS. Committee approval is required. Unless otherwise approved by the Committee, decks must be constructed of wood or wood composite materials and, if painted, must be painted to match the color scheme of the Home, and if sealed or stained, must be stained or sealed with a stain or sealant which is either clear or a natural wood color. Decks must be installed as an integral part of the Home and patio area. Construction of decks over easement areas is not permitted. Design, dimensions, materials to be used and location must be submitted on drawings.

2.24.1 Maintenance: Decks shall be maintained in good condition and free from significant damage and visible wear and tear (e.g. dents, chipped or peeling paint, faded paint, stains, missing or warped wood, etc.).

2.25. DOG HOUSES. Doghouses are restricted to a maximum ground area of 4ft x 4ft and will not be permitted on any Lot unless located in the rear yard area and the Rear Yard Perimeter Fence has been installed. Doghouses must be installed at ground level and shall not be visible above the Rear Yard Perimeter Fence. For Lots with open rail fencing, doghouses must match the color scheme of the House exterior.

2.26. DOG RUNS. Dog runs will not be permitted on any lot unless located in the rear yard area and the Rear Yard Perimeter Fence has been installed. Chain link fencing is not allowed. Dog runs on Lots with Open Rail Fencing shall not be located within five (5) feet of any Open Rail Fencing (as defined in Section 2.33 hereof) which is part of the Rear Yard Perimeter Fence nor in any side yard area adjacent to Common Area. Fencing for dog runs cannot be taller than the perimeter backyard fencing. Mature landscape screening which screens the dog run from view from the Common Area is required. Committee approval required for all dog runs.

Lupton Village Residential District Design Guidelines and Standards

2.27. DOORS. Committee approval is not required for the replacement or repainting of the originally installed exterior door(s) to a Home if the material and color are the same as the material and color of originally installed doors. Any changes to an exterior door's color or style requires Committee approval. Door colors must comply with the accent colors provided in the Committee-approved paint book.

- 2.27.1 Storm Doors: Committee approval is required. White, black or the body or trim color of the Home are all acceptable colors for storm doors. Owners wishing to utilize a different color must first obtain approval from the Committee.
- 2.27.2 Security Doors: All security doors and window guards/bars must be approved by the Committee prior to installation.
- 2.27.3 Garage Doors: Garage doors must be painted the same body or trim color (either trim color if two trim colors are used) of the house. The garage door style must be a roll-up style garage door with a minimum of four rows. Garage doors may (but are not required to) include windows on the top panel. Garage door windows shall not be painted but may be frosted.
- 2.27.4 Door Maintenance: All exterior doors and door frames shall be maintained in good condition and free from significant damage and visible wear and tear (e.g. dents, chipped or peeling paint, faded paint, stains, broken glass, missing window panes, missing or broken door handles, etc.).

2.28. DRAINAGE.

2.28.1. Maintenance of Drainage. Each Lot Owner shall maintain the grading upon his Lot at the slope and pitch fixed by the final grading thereof, including landscaping and maintenance of the slopes, so as to maintain the established drainage. Each Lot Owner agrees, for themselves and their successors and assigns, that they will not in any way interfere with the Established Drainage Pattern over any real property which they have a duty to maintain, from adjoining or other real property. In the event that it is necessary or desirable to change the established drainage over any Lot which a Lot Owner has a duty to maintain, then the party responsible for the maintenance of such real property shall submit a Design Review Request Form to the Committee for its review and approval.

2.28.2. Recommendations for Landscaping Around Foundations and Slabs. It is recommended that Owners, in landscaping their Lot, avoid planting flower beds (especially annuals), vegetable gardens or other landscaping which requires regular watering, within five (5) feet of the foundation of such Owner's Home or any slab on the lot. If evergreen shrubbery is located within five (5) feet of the foundation or any slab, then the Owner of the Lot should water such shrubbery by "controlled hand-watering," and should avoid excessive watering. Further, piping and heads for sprinkler systems should not be installed within five (5) feet of the foundation or any slabs.

2.29. DRIVEWAYS. Modifications to the original driveway require Committee approval and must be aesthetically pleasing and in conformance with the overall look of the Planned Community. Modifications or additions to the original driveway may not exceed two (2) feet in width (only one side of the driveway may be expended by 2 feet) and must be constructed with materials identical to the existing driveway.

Lupton Village Residential District Design Guidelines and Standards

The area between the driveway and the closest property line may not be used as a parking space. Asphalt, stamped or colored concrete, gravel, bricks and paver stones are not acceptable materials for driveways and driveway extensions. Repair or replacement of an existing driveway or sidewalk which is completed with materials identical to the existing driveway or sidewalk and which do not alter the original design of the same does not require Committee approval.

- 2.29.1. Driveway/Sidewalk Maintenance. Driveways and sidewalks should be maintained free from weeds and grass and stain-free. Owners are also responsible for removal of weeds and grasses on street curbs, gutters and sidewalks bordering their lots. Driveways and driveway extensions should be maintained free from significant damage including but not limited to the following: cracked or crumbling concrete; broken, loose or missing paver stones/bricks used in driveway extensions; collapsed concrete pads due to ground settling or underground broken water pipes; surface flaking and scaling due to freeze-thaw disintegration. Any graffiti on the driveway or sidewalks must be promptly removed by the Owner.

2.30. EVAPORATIVE COOLERS. See Air Conditioning Equipment

2.31. EXTERIOR LIGHTING. See Lights and Lighting.

2.32. EXTERIOR MATERIALS. The only acceptable exterior building materials are those which are of the same standard or higher than those used in the original construction of the Home, as well as brick, stone, or other harmonious materials utilized for accent or Home details as approved by the Committee.

2.33. FENCES.

- 2.33.1. General.** Fences, walls, columns, entry monuments (individually and collectively "Fences") along or abutting Lot lines, public or private streets may not be removed, replaced, stained or painted a different color or altered, including adding a gate, without approval of the Committee. If any such Fences which are located upon an Owner's Lot are damaged or destroyed by Owner or Owner's agents, guests, or tenants, the Owner shall repair and recondition the same at the Owner's expense.

- 2.33.2. Drainage.** It is important to remember that certain drainage patterns may exist along or under Fence locations. When constructing a Fence, be sure to provide for a space between the bottom of the Fence and the ground elevation so as not to block these drainage patterns.

- 2.33.3. Design.** Fences, other than those described below, may not be constructed without Committee approval. Front yard fencing is not permitted. Perimeter fencing around the backyard is required. Committee approval is not required for rear yard fences constructed in accordance with the following requirements:

- 2.33.3.1. Rear/Side Yard Privacy Fences. All Rear Yard fences and side yard fences adjacent to public streets shall be installed on the rear yard property lines of each lot and shall be constructed using white vinyl materials, 4'x 4' posts, 6-foot tall pickets/panels and spaced no greater than ¼ inch apart. (See **Exhibit A** regarding the allowed Rear Yard fence design) Fencing shall not be composed of composite materials, wood, resin-based or plastic materials. Side Yard Privacy Fences must be set back at least five (5)

Lupton Village Residential District Design Guidelines and Standards

feet from where the garage door is located. Rear Yard fence lines must taper down evenly to Open Rail Fence lines and the taper length must be between 5 feet to 8 feet.

- a) Home lots on the west side of Bridger Ave and the south side of Leroux Street must be white vinyl 6-foot tall solid privacy fences.
- b) Home lots located on the east side of Beckwourth Ave and the west side of Bonneville Ave may install either white vinyl split rail fencing or white vinyl 6-foot tall privacy fencing along the property line that borders public open space.
- c) Home lots located on the east side of Beckwourth Ave, west side of Bonneville Ave, north side of Leroux Ave and the east side of Bridger Ave may install either white vinyl split rail fencing or white vinyl 6-foot tall privacy fencing along the property line that borders public open space.

2.33.3.2. **Fencing Along Public Open Spaces.** All rear/side yard fences adjacent to public open spaces shall be installed on the property lines between the lot and the public open space and shall be constructed using white vinyl materials. Such fencing may be either open rail fencing or solid privacy fencing in accordance with the specifications provided in **Exhibit A**. Fencing shall not be composed of composite materials, wood, resin-based or plastic materials. Wire mesh may be installed on the interior (the side of the fence closest to the Home) of an Open Rail Fence so long as such wire mesh is not higher than the top rail of said Fence.

2.33.3.3. **Wing Fences.** All wing fences (i.e. fences on either side of the house that enclose the side yard and face the street) must be constructed using white vinyl materials and 4'x 4' posts. Wing fences must be set back at least five (5) feet from where the garage door is located. The gas meter must be in front of the wing fence. Owners are not required to install wing fences.

2.33.4. Corner Lot Fencing. Fences on lots adjacent to public or private streets shall not be constructed within the rights-of-way or side yard easements adjacent to such public or private streets and, therefore, must be set back from the sidewalk the distances established in the City's requirements.

2.33.5. Double Fences (i.e. adjacent fence lines secured by separate posts). Not permitted.

2.33.6. Fences for Screening Located Within Lot Line. Must be an integral part of the landscape design.

2.33.7. Gates. Committee approval is required before installing any gates in any fence lines.

2.33.8. Wire Fencing. Except for the wire mesh approved for Open Rail Fencing and Committee approved dog runs and constructed in accordance with Section 2.26 hereof, no plastic or metal chicken wire, hog wire, barbed wire, chain links, or strand wire will be allowed unless Committee approval is obtained.

Lupton Village Residential District Design Guidelines and Standards

2.33.9. Maintenance Responsibility. All fence lines shall be maintained free from significant damage, warping and stains (including graffiti). Fence posts shall be properly anchored in the ground. Missing or damaged fence pickets and posts shall be promptly replaced. Land grading shall be adequately maintained and managed to ensure dirt and sand does not build up against the fence line (causing long-term warping and damage to the fence line). Owners that share property lines are responsible for determining the allocation of costs and maintenance of fence lines running along property lines.

2.33.10 Material and Color. All perimeter fencing shall be constructed of white vinyl materials.

2.34. FIRE PITS. Portable, lightweight commercially-available fire pit/chimney, located in the rear yard with a minimum of five (5) feet away from any property line does not require Committee approval. Committee approval is required for permanent, outdoor fire pits, fireplaces, or similar structures and Committee approval will be based on, but are not limited to material, design, size and proximity to neighboring properties.

2.35. FIREWOOD STORAGE. See Wood Storage.

2.36. FLAGS AND FLAGPOLES. No more than one wall-mounted flagpole in the front of the house shall be permitted. Flags shall not exceed six (6) feet in length.

2.36.1. Maintenance. The displayed flag shall be well maintained and free from visible wear and tear.

2.37. FLOWERBOXES/POTS. Committee approval is not required for conventional flowerboxes/pots (e.g. pots, urns, wine barrels) if they comply with these Guidelines. Flowerboxes/pots cannot be made of unconventional materials or items (e.g. boats, wheel barrows, kitchenware, shoes, boots, car parts, appliances, toilets, sinks, tubs). Flowerboxes/pots taller than 3 feet requires Committee approval. More than 10 flower pots visible from the street requires Committee approval.

2.37.1 Maintenance. Flowerboxes and pots shall be maintained free from significant damage including but not limited to broken or warped wood, cracked or broken pots, chipped or peeling paint. Additionally, flowerboxes and pots shall be maintained free from plant debris, dead plants and dead plant growth. Infectious or diseased plants shall be promptly treated or removed. Flowerboxes and pots that are empty or devoid of live plants shall be removed and stored away from sight (unless Committee approval received to incorporate empty flower pots in the overall landscape design).

2.38. GARAGE ADDITIONS. Committee approval is required for any extensions or additions to existing garages. Extensions of garages shall be no longer than the depth of the house (measured from the front door to the back door) and shall not be taller than the height of the existing garage. The roof and siding materials and color shall match the existing roof and siding materials and colors of the house.

2.39. GARBAGE CONTAINERS AND STORAGE AREAS. See Trash Containers.

2.40. GARDENS - FLOWER OR VEGETABLE. Committee approval is not required for flower or vegetable gardens that do not alter the Existing Drainage. All gardens must be properly maintained in an

Lupton Village Residential District Design Guidelines and Standards

aesthetically pleasing manner. Vegetable gardens must be located in the rear yard area of a Lot and must be screened from view of adjacent Owners.

2.41. GAZEBOS/PERGOLAS. Committee approval is required. Any gazebo/pergola structure must be an integral part of the landscape plan and must not significantly impact any adjacent Owner's view. All gazebos and pergolas must be of a design and constructed with materials that are aesthetically compatible to the Home and painted, stained or sealed in the same manner as a deck. Gazebos and pergolas must be adequately anchored to the ground to prevent displacement from wind.

2.42. GRADING AND GRADE CHANGES. See Drainage.

2.43. GREENHOUSES AND GREENHOUSE WINDOWS. Greenhouses will not be permitted. No greenhouse windows will be permitted on any Lot unless located on the rear of the Home and approved by the Committee. Generally, greenhouse windows will be discouraged due to the extensive maintenance required. Approvals of any greenhouse windows will be based upon, but not limited to, the general aesthetics, quality and permanence of the materials used.

2.44. HANGING OF CLOTHES. See Clotheslines and Hangers.

2.45. HOT TUBS AND JACUZZIS. Committee approval is required. Must be in the rear yard and must be an integral part of the deck or patio area and of the rear yard landscaping

2.46. HOME NUMBERS. See Address Numbers.

2.47. HOUSE EXTERIOR MAINTENANCE. See also Additions and Expansions, Address Numbers, Doors, Painting, Patio Covers, Rain Gutters/Downspouts, Roofs, Rooftop Equipment, Shutters, Siding and Windows.

2.47.1 Maintenance. Owners shall ensure the Home exterior—including but not limited to windows, doors, porches, garage doors and exterior lights—is well maintained and reasonably free from stains, dirt, mud, cobwebs, bird excrement and plant matter. Stone and brick facades on the Home exterior shall be maintained in good repair and damaged or missing bricks or stones shall be promptly replaced. Graffiti on any portion of the Home exterior—or any other structure located on the Lot—shall be promptly removed by the Owner.

2.48. JACUZZI. See Hot Tubs and Jacuzzis.

2.49. JUNK/INOPERABLE VEHICLES. See Vehicles.

2.50. LANDSCAPE AND MAINTENANCE. Front and backyards must be landscaped. All Landscaping Improvements require Committee approval and must (1) not alter, modify or change the Established Drainage of a Lot and/or any surrounding Lots or Common Areas, (2) comply with the provisions of this Section, (3) comply with any minimum landscaping requirements established by the City, and (4) only include plant material from the Committee-approved plant palette (see **Exhibit B and C**).

Lupton Village Residential District Design Guidelines and Standards

In the Front Yard, additional appurtenances, landscape elements and decorative entry features such as fences, timber and rock walls may be allowed and will be reviewed on a case by case basis by the Committee.

- 2.50.1. Gravel, rock and/or soil piles left in front or on visible side yards of Lots, in the street, or on the driveway shall be left no longer than a period of thirty (15) days. Leaving a gravel, rock and/or soil pile in a street is subject to City ordinances and enforcement. Contact the City for more specific information.
- 2.50.2. Delivery and placement of landscape materials shall not damage any Common Area. Delivery trucks are not allowed to cross the Common Area (to avoid sprinkler and landscape damage). If this regulation is violated and damage to the Common Area results, the Owner will be held financially responsible for repairing the damage caused by the Owner or the Owner's agent, guests or tenants.
- 2.50.3. Hardscapes. Use of 1 ½ inch river rock in Committee-approved hardscape areas does not require Committee approval. Pea gravel, lava rock and rubber mulch shall not be used in any hardscape design (Front and Rear Yards). All other hardscape materials require Committee approval. In the front yard, wood mulch is an acceptable hardscape material only if used around shrubs, ornamental grasses or bushes in a limited manner. See also the subsection "Hardscapes" within the Xeriscaping section.
- 2.50.4. Sprinkler System. Underground irrigation systems for the Front Yard and Rear Yard are required. Installation of such underground irrigation systems does not require Committee approval. Such systems should not be installed within five feet of the House's foundation.
- 2.50.5. Trees in Front Yard. A minimum of one tree must be maintained in the Front Yard. All trees must consist of only one trunk. If necessary, trees must be staked to ensure such trees are growing straight. Tree stakes must be removed when trees are adequately mature. Trees in the Front Yard area are restricted to the tree types listed in **Exhibit B**.
- 2.50.6. Tree Stumps. Not permitted/shall be removed, soil shall be filled in to eliminate any resulting depressions in the ground, and area landscaping shall be restored.
- 2.50.7. General Landscape Maintenance: Lawns shall be regularly mowed and edged (along sidewalks and driveways) as needed but no less frequently than every 10 days between May 1st and October 31st, weather permitting. Rockbeds and lawns must be maintained free from weeds and grass. Lawns, rockbeds, tree rings and planter beds shall be maintained in a manner compatible with their designed purpose. For example, flowers are to be planted in flowerbeds (not in rockbeds), grass is to be maintained only in the lawn area (grass not permitted to grow into rockbeds or planter beds). Borders/barriers shall be installed between turf areas and rockbeds and planter beds. Although tree rings are not required around trees in turf areas, tree rings must be maintained if installed.
 - i. Animal Waste. Front and back yards shall be maintained free from animal waste.
 - ii. Equipment and Materials. Storage – Landscape equipment and materials (e.g. lawn mowers, potting soil, tools, bricks, unused sod, rock piles, sprinkler parts, etc) shall not

Lupton Village Residential District Design Guidelines and Standards

be stored on or around the Lot exterior. Such items shall only be stored in an enclosed structure (i.e. storage shed or Home) on the Lot.

- iii. Landscaping Irrigation. Lawns, bushes, trees and flowerbeds shall be watered regularly within the limits of any local watering restrictions.
- iv. Landscape Lighting. Landscape lighting shall be adequately anchored and maintained free from significant damage and wear and tear. Installation of permeant landscape lighting structures requires Committee approval.
- v. Landscape Structures. Latticework, trellises, pergolas, fences, retaining and decorative walls and other landscape structures shall be adequately anchored and maintained free from significant damage and wear and tear. Wood structures that are painted or stained must be maintained to avoid chipping and peeling and/or faded or worn appearance.
- vi. Leaf Maintenance. Leaves shall be cleared from the Lot after approximately 75% of related tree crown(s) has shed its leaves.
- vii. Plant Encroachment. Bushes, trees and shrubs shall be trimmed to prevent unreasonable encroachment on adjacent lots.
- viii. Plant Maintenance. Bushes and shrubs shall be regularly trimmed, and dead growth shall be removed. Dead plants shall be removed. Infectious or diseased bushes, plants and shrubs shall be promptly treated or removed.
- ix. Planter bed Maintenance. Planter beds shall be maintained free from leaves, grass clippings and other plant debris. An adequate layer of mulch, bark or rocks shall be maintained to cover weed barriers. Weed barriers shall be maintained and periodically replaced to prevent excessive, reoccurring weed growth in the planter beds. Excessive bark or other ground cover from the planter bed shall be removed from the adjacent sidewalks, alleyways and streets.
- x. Rockbed Maintenance. Rockbeds shall be maintained free from leaves, grass clippings and other plant debris. An adequate layer of rocks shall be maintained to cover weed barriers. Weed barriers shall be maintained and periodically replaced to prevent excessive, reoccurring weed growth in the rockbeds. Excessive rocks from the rockbeds shall be removed from the adjacent sidewalks and streets. Rockbeds bordering driveways that are compacted and damaged from vehicles parking/driving on such rockbeds (which is prohibited) must be promptly repaired.
- xi. Sprinkler Systems. Sprinkler systems shall be maintained free from line breaks and broken or damaged heads. Sprinkler heads shall be oriented to prevent direct spraying onto fences or into natural areas where added irrigation may encourage uncontrolled growth.
- xii. Tree Maintenance. Trees must be trimmed up to allow for a minimum 7-foot clearance over sidewalks and streets. Tree suckers should be trimmed at the base and broken tree branches should be removed. Trees where the crown is more than 50% dead must be

Lupton Village Residential District Design Guidelines and Standards

replaced. Infectious or diseased trees shall be promptly treated or removed. Tree stakes shall be removed when the tree is adequately mature.

- xiii. Tree Removal. Trees where (1) the trunk diameter is larger than 4 inches (such measurement made 12 inches from the ground) and (2) the crown is more than 50% alive, shall not be removed without first obtaining Committee approval.
- xiv. Turf Maintenance. Bare areas not landscaped within the Front Yard or Rear Yard turf area that are cumulatively greater than one square foot shall be repaired and restored back to turf condition. Lawns shall be edged along sidewalks and driveways.

2.50.8. Xeriscaping. Committee approval is required.

- i. Definition. Per section 37-36-126(11) of the Colorado Statutes, xeriscaping is defined as “the application of the principles of landscape planning and design, soil analysis and improvement, appropriate plant selection, limitation on turf area, use of mulches, irrigation efficiency, and appropriate maintenance that results in water use efficiency and water-saving practices.” Xeriscaping requires using native and adaptive plants that can grow and sustain themselves in dry natural conditions such as those in Colorado.
- ii. Restrictions on District’s Ability to Regulate. Section 37-36-126(11)(a) of the Colorado Statutes states that notwithstanding any provision in the Declaration or these Guidelines, the District shall not prohibit any Owner’s use of xeriscape or drought-tolerant vegetative landscapes to provide ground covering to a Lot. Further, any covenant either prohibiting xeriscaping or requiring the primary or exclusive use of turf grass is unenforceable as it is against public policy.
- ii. Authorization to Regulate. Section 37-36-126(11)(a) of the Colorado Statutes allows the District to adopt and enforce design and aesthetic guidelines or rules that (1) require drought-tolerant vegetative landscapes or (2) regulate the type, number and placement of drought-tolerant plantings and hardscapes that may be installed on an Owner’s property.
- iii. Advantages to Xeriscaping. The advantages of xeriscaping include:
 - Substantial cost savings on water bills;
 - Conservation of diminishing water resources;
 - Prevention of pollution from environmentally harmful run-off;
 - Reduced yard maintenance requirements;
 - Aesthetic beauty and increased homeowner options for plant material.
- v. “Zero-scaping”. The Committee makes a distinction between the terms “zero-scaping” and xeriscaping. Although the term zero-scaping does not exist, some owners may have the perception that xeriscaping utilizes large areas of hardscape such as boulders, rocks, gravel or other inorganic materials, with few plantings and little or no natural turf grass. Although this approach is indeed water-conserving, it is devoid of plants and grasses and not in keeping with the aesthetics of the neighborhood. Landscaping in this fashion is not allowed.

Lupton Village Residential District Design Guidelines and Standards

- vi. Turf area. It is preferred that 75% of available front yard is covered with green lawn (turf) areas. The Committee recommends a turf grass that has minimal water requirements. Owners should install turf that will survive in the amount of sun or shade it is situated in. Alternatives to the use of turf grass are permissible but require Committee approval.
- vii. Hardscapes. Hardscapes are encouraged to reduce lawn areas. The use of boulders, rocks, gravel, decomposed granite or other inorganic materials, generally referred to as hardscape, should not exceed 50% of the landscaping area of the front and/or side yard. The reasons for limiting the coverage area with hardscape materials is two-fold:
 - To avoid “zero-scape” appearances which are devoid of plantings or grasses, a concept incompatible with the aesthetics in the Amber Creek community.
 - Hardscape materials absorb and store solar energy and ambient heat. This considerable heat is then radiated to the surrounding soil, plantings and turf grasses, often throughout the night, with an adverse, withering impact on ground vegetation and nearby trees.
- viii. Plant Bed Borders. Non-turf planted areas must be bordered to define the xerophytic area clearly from turfed areas.
- ix. Plant Variety. Owners should avoid planting large numbers of only one plant species, which can create a monoculture susceptible to pest or insect problems. The abundance of Xeriscape plants – trees, shrubs, perennials, groundcovers, vines and grasses – available in the nursery industry make it possible to choose plantings which give color and interest (flowers, fruits, berries, and foliage) year-round. Consequently, xeriscape plans should incorporate no less than four different types of shrubs, perennials, groundcovers, vines and grasses (excluding trees and grass in any remaining turf area).
- x. Weed Barriers. All hardscapes must be lined with weed fabric or other weed-preventing barrier. Weed barriers deteriorate over time diminishing the effectiveness of such weed barriers. Owners are required to monitor the effectiveness of the weed barriers underlying all hardscapes and, if deemed substantially ineffective by the Owners or the Committee, shall replace such weed barriers.
- xi. Maintenance. Xeriscapes require ongoing maintenance and upkeep. Xeriscape owners are responsible for maintaining their xeriscapes using methods similar to those required of other owners having conventional landscaping designs. Each lot must be maintained in a neat, clean and orderly condition by the owner, so as not to be viewed as unkempt. Xeriscaping maintenance includes, but is not limited to:
 - Mowing water-conserving turf such as Buffalo, Zoysia or Bermuda grasses,
 - Employing weed control techniques, such as installing landscaping cloth in plant beds as weed barriers,
 - Pruning and shaping plants,
 - Replacing diseased and dead plantings,

Lupton Village Residential District Design Guidelines and Standards

- Owners should consider converting sprinkler heads to drip irrigation heads in plant beds or grouping plants into water zones based on similar water needs so that sprinkler systems will not waste water on plants or turf grasses that do not need it.
- xii. Decorative Objects. Hardscapes can include large boulders or other natural materials that are used as a part of the xerophytic landscape design. The Architectural Review Committee prefers to see natural colored rock and masonry or masonry that matches the existing house color. Water features, Urns, and other man-made ornamentation may be incorporated into the xeriscaping plans which require Committee approval.
- xiii. Safety. For public safety, no plant with thorns, spines, or sharp edges can be used within 6 feet of the public sidewalk.

2.51. LATTICEWORK. Committee approval is required for any type of trellis or latticework.

- 2.51.1 Maintenance. Latticework on home exteriors shall be maintained in good repair, free from visible damage and regularly painted to avoid a faded or worn appearance.

2.52. LIGHTS AND LIGHTING. Committee approval is not required for installing or replacing exterior lighting which is (1) of the same style and character as those originally installed by the builder on an Owner's Home or Lot or on other Homes or Lots in the Planned Community or (2) lights which are directed towards the Home and do not emit any light that is unreasonably bright or causes unreasonable glare to surrounding Owners. Exterior permanent, non-holiday, security lighting around Homes and Landscaping must be approved by the Committee. Use of high wattage spotlights or floodlights is prohibited. Committee approval is not required for reasonable temporary holiday lighting that does not create a nuisance to adjacent Owners, in accordance with Section 2.75.

- 2.52.1 Adding Permanent Lighting Systems – Permanent exterior lighting systems such as those that attach to and surround the home (e.g., Jellyfish Lighting, et. al.) require Committee approval by DRR submission prior to installation.

2.52.1.1 The Design Review Request Form (DRR Form) must include a picture of the house depicting the areas where the lighting is to be installed. The lighting system shall be as inconspicuous as possible and installed on the eaves. The installation must match the surrounding house paint color, and all wiring and installation hardware shall be completely hidden from view.

2.52.1.2 Lighting fixtures shall be low wattage, low lumens, recessed, and small in size. Illuminating large areas, spotlights, and flood lights are specifically prohibited. Blinking or pulsing functions may only be used during seasonal periods per Section 2.75, must be tasteful and not create a nuisance for other Owners.

2.52.1.3 The DRR Form submission must include written approval letters from all neighbors owning lots that may be affected by the additional lighting system, including the lots on both sides, in the back of and across the street from the Owner's lot. The distance and

Lupton Village Residential District Design Guidelines and Standards

proximity of contiguous lots will be a factor in determining whether this lighting system will be approved.

2.52.1.4 The use of the lighting system is allowed year-round as security lighting only if a maximum of 50% of the lights in each area of the house are illuminated and the lights are set to a warm white hue only. The maximum lumens per light shall not exceed 600 lumens. In all cases the lights must be installed indirect and of such controlled focus and intensity so as not to disturb the residents of any lot. The Committee, together with the District's Covenants Compliance Manager shall have sole discretion in determining if the lighting system settings are in compliance with the Declaration and these Design Guidelines.

2.52.1.5 These lighting systems may only be illuminated in colors other than white during periods described in Section 2.75, Seasonal Decorations.

2.52.2 Maintenance. Exterior lights shall be maintained in good repair and free from visible damage.

2.53. MINING AND DRILLING. Not permitted.

2.54. NEWSPAPER DELIVERY RECEPTACLES. Not permitted.

2.55. OVERHANGS/AWNINGS - CLOTH OR CANVAS. Committee approval is required. The color must be the same, as the exterior of the Home unless otherwise approved by the Committee. Metal or fiberglass awnings are not permitted.

2.56. OUTDOOR FURNITURE. The placement of furniture on or around the exterior of the Lot (including the porch) requires Committee approval. Generally, furniture not designed for outdoor use will not be approved by the Committee.

2.56.1 Maintenance. Outdoor furniture and decorations shall be well maintained and reasonably free from significant, visible cosmetic damage and wear and tear.

2.57. PAINTING. Home exteriors shall be periodically painted to prevent a faded or worn appearance. Committee approval is required before the painting of the Home exterior may commence regardless of whether the color combinations are identical to the current color of the Home. Any change in color and/or color combinations also requires approval from the Committee.

2.57.1. It is recommended that all Homes be painted on a regular schedule to avoid chipping and peeling.

2.57.2. Any proposed changes to color and/or color combinations must be different from neighboring Homes immediately adjacent to or across from the property. The requesting Owner is required to submit a description of neighbors' paint colors. The Committee may deny any application that does not provide this information for comparison. Any approval of a change in paint color granted by the Committee is conditioned on the color being different from the neighboring Homes, regardless of whether so specified in the approved application.

Lupton Village Residential District Design Guidelines and Standards

- 2.57.3. Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.
- 2.57.4. Most Homes have multiple tone paint schemes (e.g., siding color, trim color and accent color for shutters and doors). New colors submitted should, but are not required to, preserve this multiple tone scheme. For example, if the trim was a different color than the doors and shutters originally, it should also be different in the submitted colors.
- 2.57.5. Color selections should be submitted to the Committee in the form of manufacturer's paint chips or color swatch. Please indicate which color chips are for trim, siding and accent (doors and shutters) color.
- 2.57.6. In general, after approval, only those areas that are painted may be repainted and only those areas that are stained may be re-stained; unpainted surfaces and unstained areas (such as brick) shall remain unpainted and unstained.
- 2.57.7. In general, color combinations selected from the list of Committee-approved exterior paint color combinations (see Committee-approved Paint Book) are automatically approved on the condition that such color combination also complies with the requirements of sub-sections 2.57.2, 2.57.3, 2.57.4 and 2.57.6.

2.58. PATIO COVERS. Committee approval is required. Plans must show detailed specifications including the exterior elevation, proposed materials and colors, and include dimensions.

2.59. PATIOS (ENCLOSED). See Additions and Expansions.

2.60. PATIOS (OPEN). Patios which do not exceed the dimensions of the patios originally installed or offered as an option by the builder does not require Committee approval. Committee approval is required for all other patios or patio modifications. Patios shall not be located within any easement or setback areas.

2.61. PAVING. Committee approval is required for all types of paving, whether for walks, driveways, patio areas or other purposes. Request forms must include detailed specifications including the color and types of materials proposed (e.g. concrete, brick, flagstones, stepping stones, pre-cast patterned or exposed aggregate concrete pavers). All concrete work must be a minimum of 2 feet away from any property line.

2.62. PIPES. See Utility Equipment.

2.63. PLAY STRUCTURES AND SPORTS EQUIPMENT. Committee approval is required. Play structures (including playhouses, swing sets, trampolines and jungle gyms) shall be located in the rear or side yard. The size of play structures will be considered on a case-by-case basis depending on Lot size and proximity to neighbors. The maximum height of the equipment should not exceed fourteen (14) feet. In certain cases, the Committee may request written consent be obtained from adjacent neighbors.

- 2.63.1 Maintenance. Play and sports equipment shall be in good working order and free from significant damage (e.g. ripped nets, torn fabric, broken swings, broken slides, damaged

Lupton Village Residential District Design Guidelines and Standards

wood, faded or peeling paint, bent poles, etc.). Play and sports equipment (including small wading pools, tents, bikes, powered riding toys, hockey nets, etc) shall be moved off of the front or side yards and store away from sight when not in use. Landscaping underneath mobile play structures must continue to be well maintained.

2.64. POLES. See Flagpoles, Utility Equipment, Basketball Backboards, etc.

2.65. POOLS. Committee approval is required. Above-ground pools in backyards are prohibited if any portion of the backyard fencing is comprised of split rail fencing. Small wading pools located in the rear yard areas of a Lot, which can and are drained and removed from sight after each use, do not require Committee approval.

2.65.1 Maintenance. Homeowners must disassemble and store away above ground pools between October 1st and April 1st each year. All pools shall be in good working order and free from significant damage. Landscaping underneath above ground pool structures must be restored after above ground pools are stored away. Pools must be drained into the street. No pool water shall be drained onto neighboring Lots.

2.66 PORCH. Committee approval is required before changing the design, color or type of materials used in the construction of the front porch including porch railings, posts, floor coverings, stair and porch surface/foundation. Wood porch rails must be 3.2 feet tall, painted the existing trim color(s) on the house and be comprised of 2ft 10.5-inch square post rails. Vinyl floor coverings on the front porch are prohibited. Screened in and partially screened in porches are prohibited.

2.66.1 Maintenance. Porches shall be maintained in good repair. Damaged or deteriorating rails, posts and/or post base shall be replaced. Porch rails and posts shall be periodically repainted to avoid faded or peeling paint. Porch surface shall be maintained free from significant stains. Any graffiti shall be promptly removed by the Owner. Potted plants and flowerboxes must be maintained and in healthy condition. Dead plants must be removed. Porch decorations must be maintained in good repair.

2.66.2 Storage. Porches shall not be used as a storage area. Unacceptable items stored on the porch include, but are not limited to, car parts, storage boxes, recyclable materials, trash cans, indoor furniture, newspapers, unused landscaping materials, gardening equipment, propane tanks, appliances, storage shelves, book cases, wood piles and building materials. Only functional and decorative items shall be allowed on and around the porch including chairs, benches, tables and other furniture suitable for outdoor use.

2.67. RADIO ANTENNAE. See Antennae.

2.68. RAIN GUTTERS/DOWNSPOUTS. Committee approval is required before installing or removing rain gutters or downspouts on the exterior of the Home. Rain gutters and downspouts must be painted the body and trim colors of the house (i.e. matching the siding and trim color(s) over which the pipe overlays) to blend in with the home exterior. Rain gutters must also be aligned to avoid channeling storm water onto neighboring properties. The Owner is responsible for ensuring that any proposed reconfiguration does not negatively impact the drainage pattern on the Lot or neighboring Lots.

Lupton Village Residential District Design Guidelines and Standards

- 2.68.1 Maintenance. Rain gutters and downspouts shall be maintained in good repair. Damaged or missing rain gutters and/or downspouts shall be replaced with like materials of the same design and color.

2.69. ROOFS. Committee approval is required before replacing or modifying the roof on any structure on the Lot. Roof shingles are limited to asphalt and laminate-type shingles. Roof vent flashings shall be properly installed and covered. When submitting a design request form, Owner shall include the color, manufacturer and type of material to be used. Uniformity with existing Homes in the Planned Community is required.

- 2.69.1 Maintenance. Roof shingles and flashing shall be maintained in good repair. Damaged or missing roof shingles and flashing shall be replaced with like materials of the same design and color.

2.70. ROOFTOP EQUIPMENT. Committee approval is required. Must be painted to blend with the roof and be installed in order to minimize the visibility of the equipment on the roof.

- 2.70.1 Maintenance. Rooftop equipment shall be maintained in good repair. Damaged or deteriorating rooftop equipment shall be replaced with like materials of the same design and color.

2.71. SATELLITE DISHES. Committee approval is required before installing any satellite dishes exceeding 3 feet in diameter. Committee approval is required before installing satellite dishes on any location on the Residential Lot other than the roof of the Home. See also "Cable TV Wiring/External Wiring".

- 2.71.1 Maintenance. Satellite dishes must be maintained in good repair and free from rust and other damage. Unused satellite dishes must be removed.

2.72. SAUNAS. See Additions and Expansions.

2.73. SCREEN DOORS. See Doors.

2.74. SEASONAL DECORATIONS. All seasonal decorations must be removed within thirty (30) days following the particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion.

2.75. SEWAGE DISPOSAL SYSTEMS. Not permitted.

2.76. SHUTTERS (EXTERIOR). Committee approval is required before installing or removing shutters on the exterior of the Home. Exterior shutters must be the same materials as builder installed shutters or other approved shutters on other Homes in the Planned Community and painted to match the color scheme of the exterior of the Home, unless otherwise approved by the Committee.

- 2.76.1 Maintenance. Shutters shall be maintained in good repair. Damaged or deteriorating shutters shall be replaced. Shutters shall be periodically repainted to avoid faded or peeling paint. Any graffiti shall be promptly removed by the Owner.

Lupton Village Residential District Design Guidelines and Standards

2.77. SIDEWALK/STAIRS. Committee approval is required for any alterations to existing sidewalks or stairs or the installation or removal of any sidewalks or stairs on or around the Lot. Sidewalks running from the driveway to the backyard (if approved by the Committee) must be located more than 1 foot away from the property line. The sidewalk running left/right in front of the Home is a City right-of-way maintained by the City. (Note: Snow removal on City sidewalks located on Owner Lots is the responsibility of the Lot Owner.) Any alterations to such sidewalk require both City and Committee approval.

2.77.1 Snow Removal. Snow shall be removed from all front yard sidewalks and stairs within 24 hours after the end of a snow storm. (Note: Snow removal on City sidewalks located on Owner Lots is the responsibility of the Lot Owner.)

2.77.2 Maintenance. Sidewalks and stairs on the Lot shall be maintained free from weeds and grass and stain-free. Owners are also responsible for removal of weeds and grasses on street curbs and gutters bordering their lots. Sidewalks and stairs on the Lot should be maintained free from significant damage including but not limited to the following: cracked or crumbling concrete; broken, loose or missing paver stones/bricks used in driveway extensions; collapsed concrete pads due to ground settling or underground broken water pipes; surface flaking and scaling due to freeze-thaw disintegration. Any graffiti on the stairs or sidewalks must be promptly removed by the Owner.

2.77.3 Slip-and-Fall / Trip Hazards. Owners are responsible for identifying and ensuring slip-and-fall and trip hazards on their respective Lots are adequately addressed. Uneven sidewalks on the Lot shall be adequately repaired or replaced by the Owner. (Note: Owners should contact the City regarding damaged right-of-way sidewalks located on their Lot.) Leaking sprinklers, sump pumps and other water hazards running across sidewalks shall be adequately remedied by the Owner.

2.78. SIDING. Changes to the existing siding materials (hardy board) on the House is not permitted.

2.79.1 Maintenance. Siding shall be maintained in good repair. Damaged or deteriorating siding shall be replaced. Any graffiti shall be promptly removed by the Owner. See also section 2.57 Painting.

2.79. SIGNS. Committee approval is not required for temporary signs advertising (1) "For Sale," "Open House" or "For Rent" signs, (2) a current political candidate or election ballot issue or (3) garage sales. Signs shall not be greater than five (5) square feet in area. Regarding political signs, no more than one sign per lot is permitted per political candidate/ballot issue and political signs must be removed no later than seven days after the Election Day. Garage sale signs must be removed within 24 hours after the garage sale event. Generally, Committee approval will be denied for signs advertising or promoting businesses or religious organizations.

2.80. SKYLIGHTS. Committee approval is required.

2.81. SOLAR ENERGY DEVICES. Committee approval is required. Collectors shall be flush with the roof surface and non-reflective finishes are preferred. Line voltage wires and conduit from the panels

Lupton Village Residential District Design Guidelines and Standards

to meter/disconnect must be covered and fastened to the Home exterior (i.e. no loose wires). Wire mesh shall be installed under solar panels to prevent birds from nesting. See also Rooftop Equipment.

- 2.81.1 Maintenance. Solar panels shall be well maintained and reasonably free from significant, visible damage. Damaged solar panels shall be promptly replaced or removed.

2.82. SPAS. See Hot Tubs and Jacuzzis.

2.83. SPRINKLER SYSTEMS. See Landscape and Maintenance.

2.84. STATUES. Committee approval is required for statues that are installed in the front yard area of a Lot and exceed four (4) feet in height. More than two statues located in the front yard area requires Committee approval.

- 2.84.1 Maintenance. Statues, bird baths, murals and similar outdoor structures shall be well maintained and reasonably free from significant, visible cosmetic damage.

2.85. STORAGE. The Lot exterior (including the front porch, front yard, driveway, backyard, backyard deck and side yard) shall not be used as a storage area. Specifically, appliances, furniture (other than Committee-approved outdoor furniture), car parts, tools and equipment, landscaping materials, lumber, rock piles, construction materials, storage boxes, bags, pallets, propane tanks. Barbeque grills shall only be stored in the back yard of the Residential Lot.

- 2.85.1 “For Sale” and “Free” Items. Items advertised as “for sale” or “free” shall not be left out on the Lot for more than 48 consecutive hours within a 2-week period of time.

2.86. STORAGE SHEDS/ACCESSORY BUILDINGS. Committee approval is required. Approval will be based upon, but not limited to, the following criteria:

- 2.86.1. Storage Sheds and/or Accessory Buildings must be aesthetically compatible and consistent with the style and character of the Home and other Homes in the same general area of the Planned Community.
- 2.86.2. Storage Sheds and/or any Accessory Buildings shall not have a footprint larger than 80 square feet and shall not be more than 8’ 2” high measure from the pad. The roof pitch must be complementary to the existing roof on the Home, unless otherwise approved by the Committee. Sheds with a larger footprint may be approved by the Committee for Lots greater than 0.17 acres.

Smaller plastic storage units may be considered, provided that they are not more than 5 feet in height and have a footprint no larger than twenty-five square feet. The unit must be of a neutral color that matches or compliments the color of the Home. Quality material must be used. Units must be anchored or secured to the ground.

- 2.86.3. Siding, roofing, and trim materials must (1) match the materials on the exterior of the Home, (2) be resin-based materials or (3) otherwise be approved by the Committee. Sheds must be

Lupton Village Residential District Design Guidelines and Standards

constructed from pre-fabricated shed kits. Modifications to pre-fabricated shed kits requires Committee approval. Self-designed sheds are not allowed.

- 2.86.4. Any Storage Shed or Accessory Building must be located in the fenced, rear yard area. For Lots where split rail fence lines exist, such Storage Shed or Accessory Building must be screened so as not to be viewed in full from the split rail fence side of the Lot. The Committee may require screening or placement of any Storage Shed or Accessory Building in a location so as to minimize its visibility from the street and adjacent properties.
- 2.86.5. Storage Sheds and/or Accessory Buildings shall be placed in a location that complies with the minimum setback requirements established by the City. Shed must be free standing (i.e. not attached to the home).
- 2.86.6. Only one (1) Storage Shed or Accessory Building per Lot will be permitted.
- 2.86.7. The Committee, in reviewing and approving or denying an application for approval of a Storage Shed or Accessory Building, shall take into consideration Lot size, square footage of the Home, the Existing Grading, fence locations, landscape screenings, etc.
- 2.86.8. Maintenance. Sheds and Accessory Buildings shall be maintained in good condition and free from significant damage and visible wear and tear (e.g. broken glass, missing roof shingles, damaged/inoperable door, graffiti, missing/damaged siding, etc.). Sheds and Accessory Building exteriors shall be periodically painted (Committee approval required for color selection) to prevent a faded or worn exterior appearance.

2.87. STORM DOORS. See Doors.

2.88. SUNSHADES. See Overhangs/Awnings - Cloth or Canvas.

2.89. SWAMP COOLERS. See Air Conditioning Equipment

2.90. SWINGSETS. See Play Structures and Sports Equipment

2.91. TELEVISION ANTENNAS. See Antennas.

2.92. TEMPORARY STRUCTURES. Pursuant to Section 3.4 of the Declaration, no structure of a temporary character, including, but not limited to, a house trailer, tent, shack, storage shed/pod, or outbuilding shall be placed or erected upon any Lot except as permitted in these Design Guidelines; provided, however, that during the actual construction, alteration, repair or remodeling of a structure or other Improvements, necessary temporary structures for storage of materials may be erected and maintained by a Person doing such work.

2.93. TRAILERS. See Vehicles.

2.94. TRASH CONTAINERS. Pursuant to Sections 3.10 of the Declaration, all garbage or trash cans or receptacles shall be obscured from public view; provided, however, that garbage or trash cans or receptacles may be placed outside no earlier than 24 hours prior to garbage or trash pick-up. Trash

Lupton Village Residential District Design Guidelines and Standards

containers must be picked up and put away within 24 hours after trash pick-up service occurred. Except when temporarily placed at the edge of the street for scheduled collection, all garbage cans and other refuse containers shall be screened from view. Suitable storage areas for trash cans are limited to the following areas: (1) within the garage of the Home and (2) within the fenced rear yard. Trash cans and recycle bins may not be stored on the front porch, driveway or in front of any wing fence.

- 2.94.1 General Policing of Trash Accumulation. Owners are responsible for ensuring their Lots (including front and back yards, driveways, sidewalks and street curbs) are maintained free from accumulation of refuse, garbage, trash, tumbleweeds, cigarette butts, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind. Owners are also responsible for ensuring trees (especially in the tree crowns), bushes, antennas and roof vents are maintained free from bags, trash and other floating debris.
- 2.94.2 Newspapers/Advertisements. Owners are prohibited from allowing newspapers, advertisements and similar articles to accumulate on the porch or around the Lot. Such items shall be promptly stored away from sight or deposited in the Owner's trash cans.
- 2.94.3 Cigarette Butt Containers. Must be concealed or decorative in nature.
- 2.94.4 Trash Container Limit. Only District-provided trash containers shall be stored within the fenced rear and side yard of each Lot. Additional trash cans may only be stored within the garage, shed or other enclosed structures on the Lot. Temporary storage of additional trash containers, storage bins or dumpsters on or around the Lot requires Committee approval.
- 2.94.5 Trash Bags and Recyclable Materials. Storage of trash in bags on or around the Lot exterior is prohibited. All trash must be stored in trash containers. Recyclable materials shall not be stored on or around the Lot exterior, with the exception of storage in a recycle container (which is subject to the restrictions provided in this section for suitable trash can storage areas).
- 2.94.6 Trash Dumpsters. Trash dumpsters may be placed and stored on a Lot for no more than 14 days unless additional time has been approved by the Committee. Trash dumpsters shall not block any sidewalk or public-right-of-way at any time.
- 2.94.7 Trash Can Screens. Not permitted.

2.95. TREE HOUSES. Not Permitted.

2.96. UNDERDRAINS. Modification or impeding the flow of drainage is prohibited.

2.97. UTILITY EQUIPMENT. Installation of utilities or utility equipment requires Committee approval unless located underground or within an enclosed structure. Pipes, wires, poles, utility meters and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.

2.98. VANES. Committee approval is required.

Lupton Village Residential District Design Guidelines and Standards

2.99. VEHICLES.

- 2.99.1. Driveway Parking. Vehicles may only be parked on the driveway or within the enclosed garage structure. Parking of vehicles partially off the driveway (or off any Committee-approved driveway extension) is prohibited. Vehicles parked in driveways but blocking the public sidewalk right-of-way access is a violation of City parking ordinances. Vehicles with car covers must be stored within the enclosed garage area.
- 2.99.2 Vehicle-damaged Landscaping. Landscaping damaged by vehicles parked or driving on landscaping must be promptly repaired. Examples of landscaping damaged by vehicles includes (1) compacted rockbeds, (2) rockbeds with exposed or damaged weed barriers, (3) turf areas where no turf exists, (4) damaged sprinkler heads and (5) damaged landscape structures including paver stones and planter borders.
- 2.99.3 Recreation and Commercial Vehicles. As provided in Section 3.6.2 of the Declaration, commercial vehicles, vehicles with commercial writing on their exteriors, vehicles primarily used or designed for commercial purposes, tractors, mobile homes, recreation vehicles, trailers (with or without wheels), campers, camper trailers, boats and other watercraft, golf cars and boat trailers, and abandoned or inoperable vehicles may only be parked in the enclosed garages. Further, any of the foregoing vehicles may be parked in the Planned Community for a period not to exceed two 48-hour periods within a calendar week (i.e. Sunday to Saturday) as a temporary expedient for loading or delivery.
- 2.99.4 Maintenance and Storage. Except for washing and polishing of vehicles, vehicle repairs and maintenance shall be performed only within the enclosed garage structure. Car parts including batteries, bumpers, tires, oil pans, engine parts, body parts, etc. shall not be stored on or around the Lot exterior. Such items shall only be stored in an enclosed structure (i.e. storage shed or Home) on the Lot.

2.100. VENTS. See Rooftop Equipment

2.101. WALLS (RETAINING). Any "wall" (including landscaping borders) shall require the approval of the Committee. Where required by the Committee, the Owner shall provide a detailed landscape plan, indicating the size and exposure of the retaining wall, at the time of submission of plans for approval. Owners are liable for their respective Lot drainage and shall not impair adjacent Lot drainage patterns. Retaining walls shall be constructed of Venture or Keystone concrete blocks or an equivalent concrete block that is the same or similar in color to the concrete blocks used to construct existing retaining walls in the Planned Community. Exposed concrete retaining walls are specifically forbidden.

2.102. WELLS. Not permitted.

2.103. WINDOWS. Committee approval is required before installing any security window bars, any additional windows on the Home exterior or replacing existing windows with windows of a different design, color or material. Submission of plans and specifications to the Committee shall include a description of the dimensions, materials and color. Mill finish on aluminum windows is specifically prohibited. Grids within windows are preferred but not required.

Lupton Village Residential District Design Guidelines and Standards

- 2.103.1. Window Tinting. Committee approval is required. Only non-glare or non-reflective finishes will be given consideration.
- 2.103.2. Maintenance. Windows shall be promptly replaced or repaired when damaged. Window screens shall be maintained free from rips, tears, stains or other visible damage.

2.104. WINDOW COVERINGS. No aluminum foil, newspaper, reflective film, frosting or similar treatment shall be placed on windows or glass doors. Interior window blinds and curtains shall be maintained in good repair and free from visible damage or stains. Towels, blankets, shower curtains, flags and other materials not designed as a window covering shall not be hung over or around windows.

2.105. WOOD STORAGE. Wood piles or storage areas shall not be located on any Lot as to be visible from a street, from the ground level of any other Lot or from the Common Area.

Lupton Village Residential District Design Guidelines and Standards

3. PROCEDURES FOR COMMITTEE APPROVAL.

3.1. GENERAL. In a few cases, as indicated in the listing in the proceeding Section 2, a specific type of Proposed Improvement is not permitted under any circumstances. In other instances, a Proposed Improvement is deemed approved if such Proposed Improvement is constructed or installed in accordance with the provisions for approval stated herein and the applicable guideline expressly states that no further approval of the Committee is required. In all other cases, including Proposed Improvements not listed in Section 2 above, advance or prior written approval by the Committee is required before a Proposed Improvement is commenced. This Section of the Design Guidelines explains how such approval can be obtained.

3.2. DRAWINGS OR PLANS. Article 2 of the Declaration requires an Owner to submit to the Committee, prior to commencement of work on any Proposed Improvement, descriptions, plot plans, construction plans, specifications and samples of materials and colors, etc., as the Committee shall reasonably request, showing the nature, kind, height, width, length, color, materials and location of the Proposed improvement. In the case of major Proposed Improvements, such as room additions, decks, or structural changes, it is recommended that an architect, engineer, and/or draftsman professionally prepare detailed plans of the Proposed Improvement. Simple drawings and descriptions may be sufficient for other Improvements. Whether done by the Owner or professionally, the following provisions should be incorporated into the drawings or plans:

- 3.2.1. The drawing or plan should be done to scale, plotted horizontally and vertically, and should depict the property lines of the Lot and the outside boundary lines of the Home as located on the Lot. Drawings made on a copy of the plot plan of a Lot are preferred.
- 3.2.2. Existing Improvements, in addition to the Home, should be shown on the drawing or plan, and identified or labeled. Such Existing improvements include driveways, walks, decks, trees, bushes, etc.
- 3.2.3. The Proposed Improvements should be shown on the plan and labeled and dimensioned appropriately. Either on the plan, or an attachment, there should be a brief description of the Proposed Improvement, including the materials to be used and the colors.
- 3.2.4. The plan or drawing and other materials should show the name of the Owner, the filing number, lot and/or block designation and address of the Owner's Lot, as well as a home telephone number and a telephone number where the Owner can be reached during normal working hours.

3.3. SUBMISSION OF DRAWINGS AND PLANS. Copies of the Design Review Request Form and copies of the drawing or plan shall be submitted to the Committee along with such other materials and information as may be required by the Committee for the review of the Proposed Improvement, including, but not limited to color and material samples, grading plans, etc. Applications should be submitted to the Committee in care of the District's management company at the address listed on the Design Review Request Form. The Committee reserves the right to require a copy of any necessary permits issued by the City as a condition of approval.

Lupton Village Residential District Design Guidelines and Standards

3.4. REVIEW FEE. As of the date of these Design Guidelines, the Committee does not impose a fee for the review of plans. However, any costs incurred by the Committee for review of submittals shall be borne by the Owner and shall be payable prior to final approval. Any reasonable engineering consultant fees or other fees incurred by the Committee and/or the District in reviewing any Proposed Improvement will be assessed to the Owner requesting approval of the Proposed Improvement.

3.5. ACTION BY THE COMMITTEE. The Committee will meet as required to review plans submitted for approval. The Committee may require submission of additional information or material. The Application will not be considered complete until such materials or information have been provided to the Committee. Incomplete applications will be deemed denied until all required information and materials have been submitted. The Committee will act upon all requests within forty-five (45) days after receipt of the Design Review Request Form or forty-five (45) days after receipt of all additional information and materials requested by the Committee, whichever is later, unless the time is extended by mutual agreement. All decisions of the Committee will be reduced to writing.

3.6. VOTE AND APPEAL. A majority vote of the Committee is required to approve a request for approval pursuant to Article 2 of the Declaration, unless the Committee has appointed a representative to act for it, in which case the decision of such representative shall control. In the event a representative acting on behalf of the Committee decides a request for approval, then the applying Owner shall have the right to an appeal such decision to the full Committee. Owner shall submit his or her request for appeal to the Committee within ten (10) days after receiving the decision from the Committee's representative.

Owners may appeal the decision of the Committee to the Board within ten (10) days after such decision is communicated to the Owner by the Committee. However, Owners may not appeal a Committee decision to the Board if the Committee is comprised solely of members of the District board.

3.7. PERFORMANCE OF WORK. After approval by the Committee, a Proposed Improvement should be completed as promptly as possible, in accordance with the approved plans, drawings and descriptions. If no project deadline is provided on the Committee-approved Design Request Form, work must be completed within twelve (12) months after approval by the Committee (except landscaping which shall be completed as stated herein). Upon the completion of the Improvement, the owner shall give a written "Notice of Completion" to the Committee. Until the date of receipt of such Notice of Completion, the ARC shall not be deemed to have notice of completion of any Improvement on which approval (which may have conditions or requirement) has been sought and granted as provided herein.

3.8. COMPLAINTS. All complaints regarding noncompliance or unauthorized Improvements should be in writing and must be dated and signed by the person making such complaint.

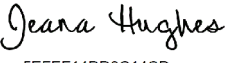
3.9. CONFLICT OF PROVISIONS. The foregoing Design Guidelines and procedures are supplementary to all of the terms and provisions of the Declaration, the Final Development Plan and the Final Plat and the terms of each of the foregoing shall remain in full force and effect. In the event of any actual or apparent conflict between these Design Guidelines and the Declaration, the Final Development Plan, or the Final Plat, the Declaration, the Final Development Plan, or the Final Plat, as applicable, shall prevail.

Lupton Village Residential District Design Guidelines and Standards

4. AMENDMENT.

These Design Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, modified, reenacted, or otherwise changed by the Committee in its discretion, with the advice of the Board.

THESE DESIGN GUIDELINES WERE UNANIMOUSLY APPROVED AND ADOPTED BY THE BOARD on the 2nd day of October 2023. As provided in the Declaration and as provided in this document, these Design Guidelines are subject to amendment by the Board, with the advice of the Committee.

DocuSigned by:

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Jeana Hughes, Board President

EXHIBIT A - Fencing Guidelines

EXHIBIT B – Tree Palette

The following list of trees is approved to be used in Committee-approved landscape designs regarding the Front Yard area between the sidewalk and the House:

TREES UP TO 30 FEET IN HEIGHT

I. UPRIGHT EVERGREENS

Blue Haven Juniper, Cologreen Juniper, Greenspire Juniper, Gray Gleam Juniper, Columnar Hetz Juniper, Hillspire Juniper, Ketoleeri Juniper, Manhattan Blue Juniper, Medora Juniper, Moonglow Juniper, Pathfinder Juniper, Robusta Green Juniper, Skyrocket Juniper, Sutherland Juniper, Welchi Juniper, and Wichita Blue Juniper.

II. EVERGREEN TREES

Dark Green Arborvitae, Smaragd Arborvitae, Pinyon Pine, Tanyosho Pine, Alberta Spruce, and Bristlecone Pine.

III. ORNAMENTAL TREES

Thinleaf Alder, Apricot, European Mountain Ash, Cardinal Royal Ash, Blackhawk Ash, Showy Ash, Rocky Mountain Birch, Red Cherry Crab, Bechtel Flowering Crab, Kelsey's Crab, Radiant Crab, Red Jade Weeping Crab, Red Splendor Crab, Royalty Crab, Sargent Crab, Snowdrift Crab, Spring Snow Crab, Cockspur Hawthorn, Toba Hawthorn Japanese Lilac Tree, Amur Maple, Washatch Maple, Gambels Oak, Double Flowering Plum, Newport Plum, Shadblow Serviceberry, Anjur Chokecherry, Golden Rain Tree, and Shehert Chokecherry.

IV. FRUIT TREES

All varieties of fruit trees.

TREES UP TO 40 FEET IN HEIGHT

I. EVERGREENS

Canoe Birch, Cutleaf Weeping Birch, Dolgo Flowering Crab, Japanese Pagoda Tree, Mayday Tree, and Bradford Pear.

II. ORNAMENTAL TREES

Southwestern White Pine, Australian Pine, and Scotch Pine.

III. SHADE TREES

Ohio Buckeye, Imperial Honeylocust, Sunburst Honeylocust, Columnar Hornbeam, Crimson King Maple, Red Royal Maple, Red Sunset Maple, Autumn Blaze Maple, Autumn Purple Ash, Skyline Honeylocust and Litteleaf Linden.

IV. FRUIT TREES

All varieties of Fruit Trees

TREES UP TO 55 FEET IN HEIGHT

I. EVERGREEN

Limber Pine, Ponderosa Pine, White Pine, Colorado Blue and Green Spruce.

II. ORNAMENTAL TREES

European White Birch, and Westem Catalpa.

III. SHADE TREES

Purple Autwnn Ash, Greenspire Linden, Littleleaf Linden, Redmond Linden, Cutleaf Silver Maple, Norway Columnar Maple, and Marshall's Seedless Ash.

EXHIBIT C – Shrub & Organic Groundcover Palette

The following list of shrubs and organic ground cover plants are approved to be used in Committee-approved landscape designs:

SHRUBS - DECIDUOUS

Serviceberry, Japanese Barberry, Siberian Peashrub, Bluemist Spirea, Mountain Mahogany, Red & Yellowtwig Dogwood, Variegated Dogwood, Peking Cotoneaster, Spreading Cotoneaster, Burning Bush, Forsythia, Aithea (Rose-of-Sharon), Peegee Hydrangea, Common Privet, Dwarf Honeysuckle, Zabel's Honeysuckle, Mockorange, Ninebark, Potentilla (Cinquefoil). American Plum, Sand Cherry. Cistena Plum, Buckthorn, Sumac Alpine Currant, Golden Current, Shrub Rose Willow, Elder, Silver Buffaloberry, Spirea, Snow & Coralberry, Lilac, and Viburnum.

SHRUBS - EVERGREEN

Manhattan Euonymus, Sarcoxie Euonymus. Pfitzer & Gold Tip Juniper, Spreading Juniper, Tammy Juniper, Buffalo & Broadmoor Juniper, Oregongrape, Alberta Spruce, Mugho Pine, Pyracantha, and Yucca.

GROUNDCOVERS - ORGANIC

Turfgrass, Kinnikinnick, Ajuga, Pussytoes, Silvermound, Snow-in-Summer, Lily of the Valley, Maiden Pink. Hardy Iceplant, Winlercreeper. Creeping Grapeholly. Creeping Phlox, Himalayan Border Jewel, Sedum (Stonecrop), Wolly Thyme, and Periwinkle.