

# TOWNHOME DESIGN GUIDELINES AND STANDARDS



## Residential Metropolitan District



Effective as of April 10, 2025

# Design Guidelines and Standards

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## 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.

- 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 sidewalk and the front of the Home.
- 1.1.15. "Home" or "Unit" means a townhome 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 all townhome units 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.

**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.

**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.



## 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 provided herein for each type of Improvement. 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 INSTALLED. 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 townhomes 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.** Not permitted.

**2.2. ADDRESS NUMBERS.** Address labels shall be located on the front of the home, next to the front door. Committee approval is required to alter the design, color or size of the address numbers. Address labels shall be maintained in good repair (e.g. no missing or damaged numbers).

**2.3. ADVERTISEMENTS.** See Signs.

**2.4. AIR CONDITIONING EQUIPMENT.** Committee approval is required. Only air conditioning equipment (including swamp coolers) which are ground-mounted and installed in the front or side of the Home may 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.

**2.6. ARTIFICIAL TURF.** Committee approval is required.

**2.7. AWNINGS.** Not allowed.

**2.8. BALCONIES.** Not allowed in the Reynolds St. or S. Rollie Ave. townhomes. Only balconies preinstalled by the original builder are allowed in the Denver Ave. townhomes (the Flats).

**2.9. BASKETBALL BACKBOARDS.** Not allowed.

**2.10 BEEHIVES.** Not allowed.

**2.11. BIRDBATHS.** Birdbaths shall not exceed three feet in height or width (including any pedestal) and shall only be installed in the Front Yard Area. Installation of any birdbaths that exceed the dimensions stated herein requires Committee approval.

**2.12. BIRDHOUSES AND BIRD FEEDERS.** Committee approval is not required for birdhouses and bird feeders which do not exceed 1' x 2' and are aesthetically compatible with the exterior of the Home. Installation of more than one birdhouse or bird feeder and installation of a birdhouse or bird feeder in excess of the size limits 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 area.

**2.15. BUILDING HEIGHT CHANGES.** Not allowed.

**2.16. CABLE TV WIRING/EXTERNAL WIRING.** Cable lines or other external wiring running from the cable box to the Unit shall be properly buried. Cable lines running on the exterior of the Unit 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 Unit exterior must be installed in a manner that minimizes the visibility of cable lines running horizontally along the Unit exterior. Cable lines shall not be installed diagonally across any surface area of the Unit exterior. All cable lines must be painted the existing color(s) of the Unit. See also "Satellite Dishes".

**2.17. CAMPERS.** See Vehicles.

**2.18. CLOTHESLINES AND HANGERS.** Committee approval is required for clotheslines or hangers. Only retractable clotheslines and hangars may be installed and clothing must be removed from lines within 12 hours. Clotheslines must be retracted when not in use.

- 2.18.1 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.

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

**2.20. DECKS.** Not permitted.

**2.21. DOG HOUSES.** Not permitted.

**2.22. DOG RUNS** Not permitted.

**2.22.5 CAT ENCLOSURES** Committee approval is required. Materials must coordinate with the style and color of the home. Maximum 6ft high x 10 ft long x 5ft deep. Enclosure cannot block doors to home.

**2.23. 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.

- 2.23.1 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.
- 2.23.2 Security Doors: All security doors and window guards/bars must be approved by the Committee prior to installation.
- 2.23.3 Garage Doors: Garage doors must be painted the same trim color of the Townhome and must match the garage door colors of adjacent Townhomes. 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.
- 2.23.4 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.).

## 2.24. DRAINAGE.

- 2.24.1. **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.

## 2.25. EVAPORATIVE COOLERS. See Air Conditioning Equipment

## 2.26. EXTERIOR LIGHTING. See Lights and Lighting.

**2.27. 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.

## 2.28. FENCES.

- 2.28.1. **General.** The front yard area of each Unit shall be fenced in with fences running along the property line of the Lot. See **Exhibit A** for fence design specifications. Fences shall be 4 feet tall, comprised of white vinyl material, two rails and fence posts spaced 6 to 8 feet apart. Fence posts shall be capped. Lights installed on fence posts requires Committee approval.

**2.28.2. Gates.** Only one gate may be installed in the fence line and such gate shall only be placed over the sidewalk leading to the front porch. The design, color and size of the gate must match the design, color and size of the existing fence line.

**2.28.3. Wire Fencing.** Wire mesh may be installed on the interior side of the fence with Committee approval. Plastic or metal chicken wire, hog wire, barbed wire, chain links, and strand wire is not permitted.

**2.28.4. 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 rails and posts shall be promptly replaced. Owners that share property lines are responsible for determining the allocation of costs and maintenance of fence lines running along property lines.

**2.28.5 Material and Color.** All perimeter fencing shall be constructed of white vinyl material. Fences shall not be painted.

**2.29. FIRE PITS.** Not permitted.

**2.30. FIREWOOD STORAGE.** See Wood Storage.

**2.31. FLAGS AND FLAGPOLES.** Committee approval is required regarding the location of flagpoles mounted to a Home. Freestanding flag poles are not permitted. No more than one flag may be mounted to a Home. Flag poles shall be mounted to the front of the Townhome Unit and only to the first floor of the Unit.

2.31.1. Maintenance. All displayed flags shall be well maintained and free from visible wear and tear.

**2.32. 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 6 flower pots in the front yard area requires Committee approval.

2.32.1 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).

**2.33. GARBAGE CONTAINERS AND STORAGE AREAS.** See Trash Containers.

**2.34. GARDENS - FLOWER OR VEGETABLE.** Committee approval is not required for flower or vegetable gardens. All gardens must be well maintained and void of dead plants.

**2.35. GAZEBOS/PERGOLAS.** Not permitted.

**2.36. GRADING AND GRADE CHANGES.** See Drainage.

**2.37. GREENHOUSES AND GREENHOUSE WINDOWS.** Not permitted.

**2.38. HANGING OF CLOTHES.** See Clotheslines and Hangers.

**2.39. HOT TUBS AND JACUZZIS.** Not permitted.

**2.40. HOME NUMBERS.** See Address Numbers.

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

- 2.41.1 Maintenance. Owners shall ensure the Unit 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 facades on the Unit exterior shall be maintained in good repair and damaged or missing stones shall be promptly replaced. Graffiti on any portion of the Unit exterior—or any other structure located on the Lot—shall be promptly removed by the Unit Owner.

**2.42. JACUZZI.** Not permitted.

**2.43. JUNK/INOPERABLE VEHICLES.** See Vehicles. Must be stored within the garage portion of the Unit.

**2.44. LANDSCAPE AND MAINTENANCE.** Front yards must be landscaped with either (1) artificial turf or (2) rocks. Bricks or paving stones may be allowed upon submission of a drainage study. Installation or replacement of artificial turf or rockbeds requires Committee approval. Additional appurtenances, landscape elements and decorative features in the front yard area requires Committee approval.

- 2.44.1 Hardscapes. Use of 1 ½ inch river rock in Committee-approved hardscape areas does not require Committee approval. Pea gravel, lava rock, wood chips, mulch and rubber mulch shall not be used in any hardscape design. All other hardscape materials require Committee approval.

- 2.44.2. General Landscape Maintenance: The front yard area of the Unit shall be regularly maintained including the following:

- i. Animal Waste. Front and back yards shall be maintained free from animal waste.
- ii. 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.

- iii. **Rockbed Maintenance.** Rockbeds shall be maintained free from leaves, trash and 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 displacement of rocks from the rockbeds shall be corrected and removed from the adjacent sidewalks and streets.

**2.45. LATTICEWORK.** Committee approval is required for any type of trellis in the front yard. Latticework attached to the Unit is not permitted.

- 2.45.1 **Maintenance.** Trellis's shall be maintained in good repair, free from visible damage and regularly painted to avoid a faded or worn appearance.

**2.46. 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 Unit or on other Units in the Planned Community or (2) lights which are directed towards the Unit and do not emit any light that is unreasonably bright or causes unreasonable glare to surrounding Units. Exterior permanent, non-holiday, security lighting around Units 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 Units, in accordance with Section 2.65.

- 2.46.1 Adding Permanent Lighting Systems – Permanent exterior lighting systems such as those that attach to and surround the home (e.g., Jellyfish Lighting, et. al.) are not permitted.

- 2.46.2 **Maintenance.** Exterior lights shall be maintained in good repair, non-operational bulbs replaced and free from visible damage.

**2.47. MINING AND DRILLING.** Not permitted.

**2.48. NEWSPAPER DELIVERY RECEPTACLES.** Not permitted.

**2.49. OVERHANGS/AWNINGS - CLOTH OR CANVAS.** Not allowed.

**2.50. 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.

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

**2.51. PAINTING.** Home exteriors shall be periodically painted to prevent a faded or worn appearance. Committee approval is required before the painting of the Unit exterior may commence. Any change in color and/or color combinations is not permitted. Painting of stone facades is not permitted. Colors on the Unit exterior must be the same as the colors on the exteriors of adjacent Units.

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

**2.52. PAVING.** Committee approval is required for all types of paving, whether for sidewalks, patios or other outdoor surfaces on the Lot. Request forms must include detailed specifications including the color and types of materials proposed.

**2.53. PIPES.** See Utility Equipment.

**2.54. PLAY STRUCTURES AND SPORTS EQUIPMENT.** Not permitted

**2.55. POLES.** Not allowed.

**2.56. POOLS.** Not allowed.

**2.57 PORCH.** Committee approval is required before changing the design, color or type of materials used in the construction of the front porch including posts, floor coverings, stair and porch surface/foundation. Porch railings are not allowed. Vinyl floor coverings on the front porch are prohibited. Screened in and partially screened in porches are prohibited.

2.57.1 Maintenance. Porches shall be maintained in good repair. Damaged or deteriorating posts and/or post base shall be replaced. Porch 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.

2.57.2 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, barbeque grills (no more than one), benches, tables and other furniture suitable for outdoor use.

**2.58. RADIO ANTENNAE.** See Antennae.

**2.59. RAIN GUTTERS/DOWNSPOUTS.** Committee approval is required before installing or removing rain gutters or downspouts on the exterior of the Unit. 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.

2.59.1 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.

**2.60. ROOFS.** Committee approval is required before replacing or modifying the roof on the Unit and Owners must comply with the party wall agreements with adjacent Unit Owners. Roof shingles are limited



to asphalt and laminate-type shingles. Shingle color must be earth toned. 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.

- 2.60.1 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.

**2.61. 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.

- 2.61.1 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.

**2.62. 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 Townhome Lot other than the roof of the Unit. See also "Cable TV Wiring/External Wiring".

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

**2.63. SAUNAS.** Not permitted

**2.64. SCREEN DOORS.** See Doors.

**2.65. 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.

**2.66. SEWAGE DISPOSAL SYSTEMS.** Not permitted.

**2.67. SHUTTERS (EXTERIOR).** Not permitted.

**2.68. 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. (Note: Snow removal on sidewalks located within an Owner's Lot is the responsibility of the Lot Owner.)

- 2.68.1 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 sidewalks outside of the Townhome Lot is the responsibility of the District.)
- 2.68.2 Maintenance. Sidewalks and stairs on the Townhome Lot shall be maintained free from weeds and grass and stain-free. Sidewalks and stairs on the Lot should be maintained free from significant damage including but not limited to the following: cracked or crumbling concrete; collapsed concrete pads due to ground settling; surface flaking and scaling due to freeze-thaw disintegration. Any graffiti on the stairs or sidewalks must be promptly removed by the Owner.



- 2.68.3 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. Water hazards running across sidewalks shall be adequately remedied by the Owner.

**2.69. SIDING.** Changes to the existing siding materials on the Unit is not permitted.

- 2.69.1 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 2.51 Painting.

**2.70. 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.

**2.71. SKYLIGHTS.** Not allowed.

**2.72. SOLAR ENERGY DEVICES.** Committee approval is required and approval from each adjacent Unit owner is also required. Collectors shall be flush with the roof surface and non-reflective finishes are preferred. Line voltage wires and conduit from the panels 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.

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

**2.73. SPAS.** Not permitted.

**2.74. SPRINKLER SYSTEMS.** Not permitted.

**2.75. 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.

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

**2.76. STORAGE.** The Unit exterior (including the front porch and front yard area) 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 may be stored on the front porch but must be moved from under the front porch roof for use.

2.76.1 "For Sale" and "Free" Items. Items advertised as "for sale" or "free" shall not be left around the Unit exterior.

2.76.2 Storage Boxes Committee approval is required. The storage box must be made of a finished material specified for outdoor storage. The storage box may not be larger than 4 feet wide X 3 feet high x 2 ft deep.

**2.77. STORAGE SHEDS/ACCESSORY BUILDINGS.** Not permitted.

**2.78. STORM DOORS.** See Doors.

**2.79. SUNSHADES.** See Overhangs/Awnings - Cloth or Canvas.

**2.80. SWAMP COOLERS.** See Air Conditioning Equipment

**2.81. SWINGSETS.** Not permitted

**2.82. TELEVISION ANTENNAS.** See Antennas.

**2.83. TEMPORARY STRUCTURES.** Not permitted.

**2.84. TRAILERS.** See Vehicles.

**2.85. TRASH CONTAINERS.** All garbage and recycling containers shall be stored inside the garage. Garbage and recycling containers are permitted to be stored outside of the garage no more than 24 hours before and 24 hours after trash pick-up service has occurred.

2.85.1 General Policing of Trash Accumulation. Owners are responsible for ensuring the exterior of their Units 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 bushes, antennas and roof vents are maintained free from bags, trash and other floating debris.

2.85.2 Newspapers/Advertisements. Owners are prohibited from allowing newspapers, advertisements and similar articles to accumulate on the porch or around the Unit. Such items shall be promptly stored away from sight or deposited in the Owner's trash cans.

2.85.3 Cigarette Butt Containers. Must be concealed or decorative in nature.

2.85.4 Trash Bags and Recyclable Materials. Storage of trash in bags on or around the Unit exterior is prohibited. All trash must be stored in trash containers. Recyclable materials shall not be stored on or around the Unit exterior, with the exception of storage in a recycle container.

**2.86. UNDERDRAINS.** Modification or impeding the flow of drainage is prohibited.

**2.87. 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.

**2.88. VANES.** Committee approval is required.

**2.89. VEHICLES.**

2.89.1. Parking. Vehicles may only be parked in designated parking spaces around the townhomes or within the enclosed garage structure of the townhome Unit. Parking vehicles in front of garage doors is prohibited and vehicles parked outside of garages shall not block sidewalks. Vehicles with car covers must be stored within the enclosed garage area.

2.89.2 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.

2.89.3 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 Townhome Unit exterior. Such items shall only be stored in the garage.

**2.90. VENTS.** See Rooftop Equipment

**2.91. WALLS (RETAINING).** Not permitted.

**2.92. WELLS.** Not permitted.

**2.93. 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.

2.93.1. Window Tinting. Committee approval is required. Only non-glare or non-reflective finishes will be given consideration.

2.93.2. Maintenance. Windows shall be promptly replaced or repaired when damaged. Window screens shall be maintained free from rips, tears, stains or other visible damage.

**2.94. 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.

## 2.95. WOOD STORAGE. Not permitted.

## 2.96 XERISCAPING. All xeriscaping projects require Committee approval.

- i. Definition. Per section 38.33.3-103(33) of the Colorado Statutes, xeriscaping is defined as the combined application of the seven principles of (1) landscape planning and design, (2) soil analysis and improvement, (3) hydro zoning of plants, (4) use of practical turf areas, (5) use of mulches, (6) irrigation efficiency, and (7) 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 38.33.3-106.5 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, Section 37-60-126(11) of the Colorado Statutes states that any covenant either prohibiting xeriscaping or requiring the primary or exclusive use of turf grass is unenforceable as it is against public policy.
- iii. Authorization to Regulate. Section 38.33.3-106.5 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.
- iv. 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.
- vi. Turf area. Variances to the requirement for full green lawn (turf) areas up to 100% of available front yard space may be allowed. It is preferred to choose 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.

- 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 landscapable area of the combined front and backyard area. 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 Elliott Ranch and native Hill Country aesthetics
  - 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 xeriphytic 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,
  - 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 xeriphytic 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. Pre-planned Water Wise Xeriscaping Plans for Front Yards. See Exhibit B for a list of pre-approved Water Wise Xeriscaping Design Plans for the front yard. If a homeowner desires to follow any one of the Plans with certain exceptions or deviations when modifying the front yard landscaping, such landscape plans require ARC pre-approval.
- xiv. Safety. For public safety, no plant with thorns, spines, or sharp edges can be used within 6 feet of the public sidewalk.

### 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 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.

**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 Design Review Request Form 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 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.



#### 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.

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THESE DESIGN GUIDELINES WERE UNANIMOUSLY APPROVED AND ADOPTED BY THE BOARD on the 10<sup>th</sup> day of April 2025. 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.


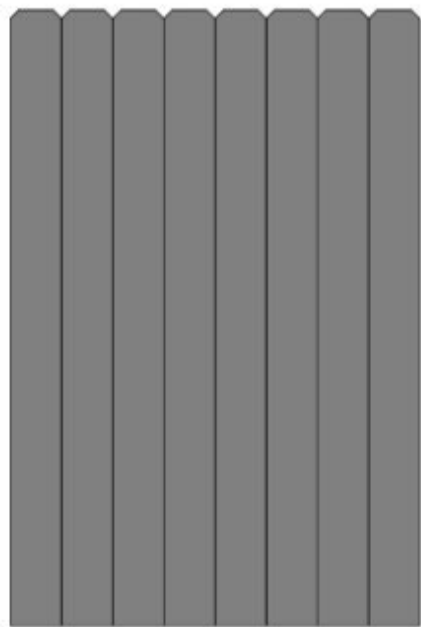
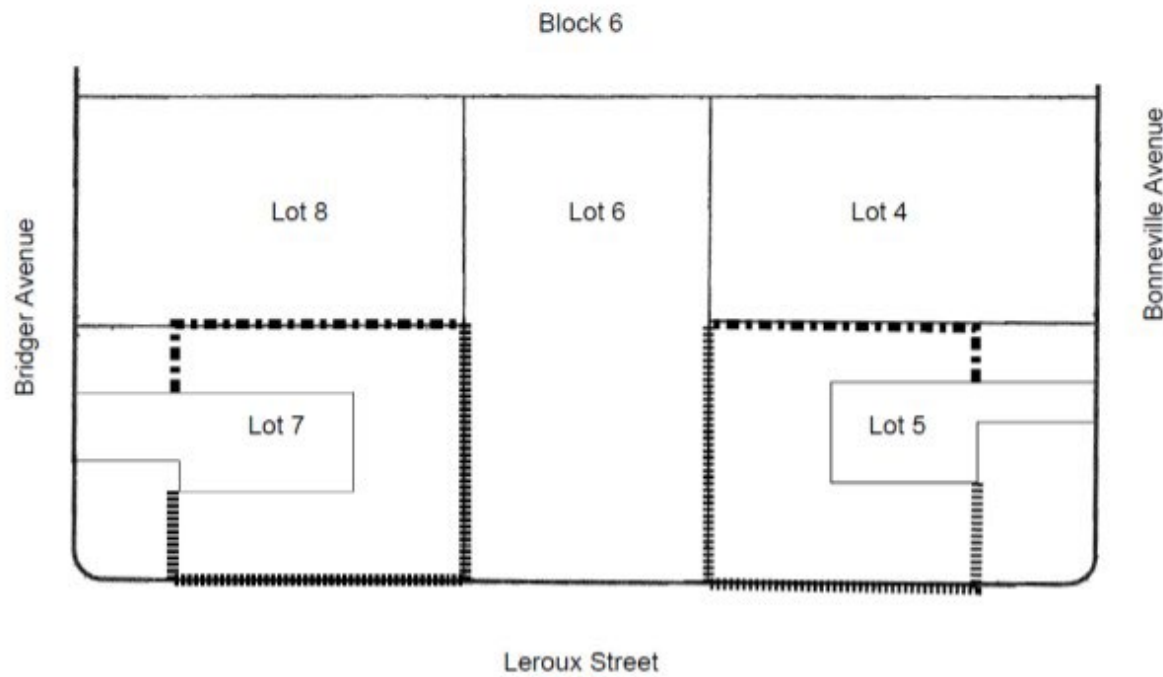
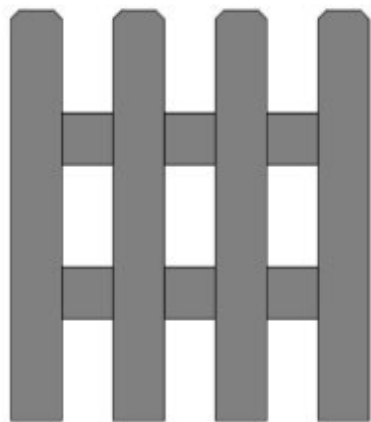
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Jeana Hughes, Board President

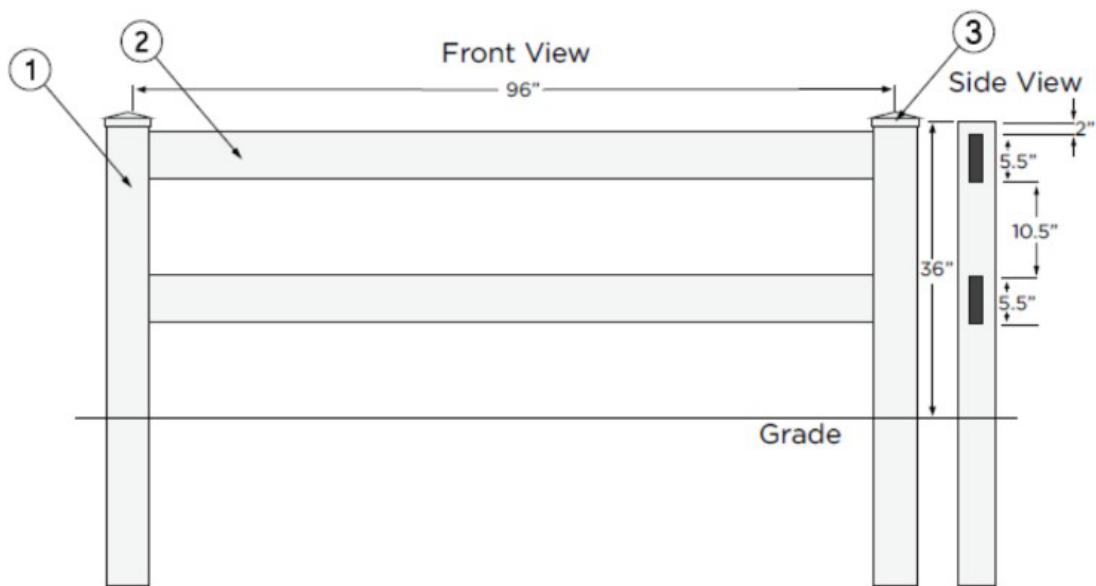
EXHIBIT A – FENCE DESIGN

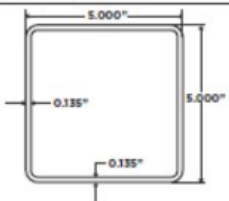
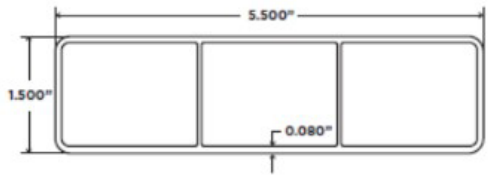


6 Foot Fence



4 Foot Fence



Cut List				
NO.	DESCRIPTION	PROFILE SPECIFICATIONS	QTY	DETAILS
1.	POST 5x5x60 - .135 Wall		1	Holes are routed per dimensions provided in the diagram. Route as needed for lines, ends, and corners, etc.
2.	RAIL 1.5x5.5x95 (Or 192") - .080 Wall		2	Use a 95" or 192" rail. Using a 192" allows for two sections to be done at a time.
3.	CAP 5X5		1	N/A

## **EXHIBIT B – XERISCAPING**

