

**AMENDED AND RESTATED
RESIDENTIAL IMPROVEMENT
GUIDELINES
AND SITE RESTRICTIONS FOR
SABELL**

AS OF JULY 21, 2021

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1 INTRODUCTION

1.1 Basis for Guidelines

These Amended and Restated Residential Improvement Guidelines and Site Restrictions for Sabell (the “**Guidelines**”) are intended to assist Owners living in the Sabell community (the “**Community**”) in implementing Improvements to their Lots. The Declaration of Covenants, Conditions and Restrictions of Sabell, recorded on January 5, 2021 at Reception Number 2021001685, in the real property records of Jefferson County, Colorado (the “**Covenants**”) require prior approval from the Architectural Review Committee (the “**ARC**”) before the construction, erection, placement, alteration, planting, application, installation or modification of any Improvement upon any Lot shall be made. In order to assist Owners, the Sabell Metropolitan District’s Board of Directors (the “**Board**”) established certain pre-approved designs for several types of Improvements and exempted certain Improvements from the requirement for approval. This booklet contains the guidelines established by the Board with respect to property subject to the Covenants.

The Community is or will be partially comprised of Lots improved with detached single family homes, all of which have or will have side yard areas, and all of which have or will have alley loaded garages in the rear and little or no rear yard areas (each a “**SF Lot**”). Also, there are or will be Lots within the Community developed with attached townhomes, which will also be serviced by alley-loaded garages, but which do not have side yard areas (each a “**Townhome Lot**”). Because of the differing size, yard area and character between the SF Lots and the Townhome Lots, there may be different guidelines or standards for each, and the same will be specifically set forth in these Guidelines. Unless otherwise stated or differentiated, the following Guidelines shall apply to both SF Lots and Townhome Lots, and any references to a Lot or Lots shall include both SF Lots and Townhome Lots.

1.2 Definitions

All capitalized words and phrases used in these Guidelines shall have the meaning provided in the Covenants unless otherwise defined herein.

1.3 Contents of Guidelines

In addition to the introductory material, these Guidelines contain (A) a summary of procedures for obtaining approval from the ARC (see Section 2); and (B) a listing of specific types of improvements that Owners might wish to make with specific information as to each of these types of improvements (see Section 3).

1.4 Architectural Review Committee or Representative

The ARC consists of persons, representatives or a committee appointed to review requests for approval of architectural or site changes.

1.5 ARC Contact Information

The contact information of the ARC, persons, committee or representative authorized to administer the architectural review process is:

COMPANY NAME	OFFICE	E-MAIL
Stillwater Community Management Attn: Scott Bristol	303-872-9224 Ext. 102	info@scmcolorado.com

1.6 Effect of Covenants

The Declaration of Covenants, Conditions and Restrictions of Sabell, recorded on January 5, 2021 at Reception Number 2021001685, in the real property records of Jefferson County, Colorado is a document governing the Property within the Community. Each Owner should review and become familiar with the Covenants. Nothing in these Guidelines supersedes or alters the provisions or requirements of the Covenants and, if there is any conflict or inconsistency, the Covenants will control.

1.7 Effect of Governmental and Other Regulations

Use of Lots within the Community and any Improvements must comply with any applicable building codes and other governmental requirements and regulations. Owners are encouraged to contact Jefferson County and/or the City of Arvada, as may be applicable, for further information and requirements for Improvements they wish to make.

APPROVAL BY THE ARC DOES NOT CONSTITUTE ASSURANCE THAT IMPROVEMENTS COMPLY WITH APPLICABLE GOVERNMENTAL REQUIREMENTS OR REGULATIONS OR THAT A PERMIT OR APPROVALS ARE NOT ALSO REQUIRED FROM APPLICABLE GOVERNMENTAL BODIES.

1.8 Interference with Utilities

In making Improvements to Lots, Owners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Owners should not construct any Improvements over such easements without the consent of the utility involved, and Owners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting:

**Utility Notification Center of Colorado
1-800-922-1987**

1.9 Goal of Guidelines

Compliance with these Guidelines and the provisions of the Covenants will help preserve the inherent architectural and aesthetic quality of the Community. It is the responsibility of the ARC to ensure that all proposed Improvements meet or exceed the requirements of these Guidelines and to promote the highest quality design for the neighborhood. It is important

that Improvements to Lots be made in harmony with and not detrimental to the rest of the Community. A spirit of cooperation with the ARC and neighbors will go far in creating an optimum environment, which will benefit all Owners. By following these Guidelines and obtaining prior written approval for Improvements to Lots from the ARC, Owners will be protecting their financial investment and will help insure that Improvements to Lots are compatible with standards established for the Community. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Guidelines, the ARC's interpretation shall be final and binding.

2 PROCEDURES FOR ARC APPROVAL

2.1 General

As indicated in Section 3 of these Guidelines, there are some cases in which advance written approval of the ARC is not required if the Guidelines with respect to that specific type of Improvement are followed. In some cases, as indicated in Section 3, a specific type of Improvement is not permitted under any circumstances. In all other cases, including Improvements not included in Section 3, advance, or prior written approval by the ARC is required before an Improvement to any Lot is commenced.

2.2 Drawings or Plans

Owners are required to submit to the ARC a completed Architectural Review Request Form ("ARR"), which forms are available from the person or entity listed in Section 1.5. Complete plans and specifications for a proposed improvement may be submitted via email to the ARC. If Owners are not submitting the ARR electronically, then two (2) copies of complete plans and specifications must be submitted.. The ARR and all plans and specifications must be submitted prior to commencement of work on any Improvement to any Lot. The submitted plans and specifications must show exterior design, height, materials, color, location of the structure or addition to the structure, plotted horizontally and vertically, location and size of driveways, general plan of landscaping, fencing, walls, windbreaks and grading plan, as well as such other materials and information as may be required. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, a landscape architect, or draftsman, and a simple drawing with dimensions and description will be sufficient. In the case of major improvements, such as room additions, structural changes or accessory building construction, detailed plans and specifications, prepared by a licensed architect, may be required. Whether done by the Owner, or professionally, the following guidelines should be followed in preparing drawings or plans:

- A.** The drawing or plan should be done to scale and shall depict the property lines of your Lot and the outside boundary lines of the home as located on the Lot. If you have a copy of an improvement survey of your Lot obtained when you purchased it, this survey would be an excellent base from which to start.
- B.** Existing Improvements, in addition to your home, should be shown on the drawing or plan and identified or labeled. Such existing Improvements include driveways, walks, decks, trees, shrubs, fences, etc. The proposed Improvements should be shown

on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed Improvement, including the materials to be used and the colors. For example: Redwood deck, 10 feet by 12 feet with 2"x4" decking and natural stain.

- C. The plan or drawing and other materials should include the name of the Owner, the address of the home, the lot, block and filing number of the Lot, and the e-mail address and telephone number where the Owner can be reached.
- D. The proposed Improvements must take into consideration the easements, building location restrictions and sight distance limitations at intersections.
- E. Owners should be aware that many Improvements require a permit from Jefferson County or other governmental entity. The ARC reserves the right to require a copy of such permit as a condition of its approval.
- F. In some instances, elevation drawings of the proposed Improvement will be required. The elevation drawings should indicate materials.
- G. Photographs of existing conditions and of proposed materials and colors are encouraged to be included, and are helpful to convey the intended design, but should not be used solely to describe the proposed changes.

2.3 Submission of Drawings and Plans

The drawing or plans (minimum acceptable size 8.5" x 11") must be submitted to the ARC along with a completed ARR. Color photographs, brochures, paint swatches, etc. will help expedite the approval process. Specific dimensions and locations are required.

Any costs incurred by the ARC for review of submittals shall be borne by the Owner and shall be payable prior to final approval. A fee in the amount of \$150.00 is required for the ARC review of all major submissions, as set forth in the ARR. All minor submissions, as set forth in the ARR, require a fee in the amount of \$25.00. All fees are due to the ARC at the address listed in the Section 1.5 of these Guidelines upon submission of the ARR.

Any reasonable engineering consultant fees or other fees incurred by the ARC in reviewing any submission will be assessed to the Owner requesting approval of the submission.

Hard copies of the submitted drawings or plans along with the completed ARR will not be returned to the Owner.

2.4 Action by ARC

The ARC will meet as required to review plans submitted for approval. The ARC may require submission of additional information or material, and the request will be deemed denied until all required information and materials have been submitted. The ARC will act upon all requests in writing within 45 days after the complete submission of plans, specifications, and other materials and information as requested by the ARC. If the ARC

fails to review and approve in writing (which may be with conditions and/or requirements) or disapprove, a request for architectural approval within 45 days after the complete submission of the plans, specifications, materials and other information with respect thereto, such request is deemed approved by the ARC.

2.5 Revisions and Additions to Approved Plans

Any revisions and/or additions to approved plans made by the Owner or as required by any governmental agency, must be re-submitted for approval by the ARC. The revised plans must follow the requirements as outlined above.

2.6 Completion of Work

After approval (which may be with conditions and/or requirements) of any proposed Improvement by the ARC, the proposed Improvement shall be completed and constructed as promptly and diligently as possible, and in complete conformity with all conditions and requirements of the approval. Failure to complete the proposed Improvement within 12 months from the date of the approval (the “Completion Deadline”), or to complete the Improvement in complete conformance with the conditions and requirements of the approval, shall constitute noncompliance; provided, however, that the ARC may grant extensions of time to individual Owners for completion of any proposed Improvements, either (a) at the time of initial approval of such Improvements, or (b) upon the request of any Owner, provided such request is delivered to the ARC in writing and the Owner is diligently prosecuting completion of the subject Improvements or other good cause exists at the time such request is made.

2.7 Notice of Completion

Within thirty (30) days upon the completion of an Improvement, the applicant for approval of the same shall give a written “Notice of Completion” to the ARC. 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 be with conditions and/or requirements) has been sought and granted as provided in this Section. The Notice of Completion form included with the ARR may be used. The Notice must include the Owner’s name, address and the date the Improvement was completed.

2.8 Inspection of Work

The ARC, the District, or the Enforcement Committee, if any, or any of their duly authorized representatives, shall have the right to inspect any Improvement at any time, including prior to or after completion, in order to determine whether or not the proposed Improvement is being completed or has been completed in compliance with the approval granted pursuant to this Section.

2.9 Notice of Non-Compliance

If, as a result of inspections or otherwise, the ARC, the District, or the Enforcement Committee, if any, determines that any Improvement has been done without obtaining all

required approvals (which may be with conditions and/or requirements), or was not done in substantial compliance with the approval that was granted, or has not been completed by the Completion Deadline, subject to any extensions of time granted pursuant to Section 2.6 hereof, the District or the Enforcement Committee, if any, shall then notify the applicant in writing of the non-compliance (the “**Notice of Non-Compliance**”). The Notice of Non-Compliance shall specify the particulars of the non-compliance.

2.10 Correction of Non-Compliance

If it has been determined that a non-compliance exists, the Owner responsible for such non-compliance shall remedy or remove the same within such time frame as set forth in the Notice of Non-Compliance. If such Owner does not comply with the ruling within such period, the District may, at its option, record a notice of non-compliance against the Lot on which the non-compliance exists, may impose fines, penalties and interest, may remove the non-complying Improvement, or may otherwise remedy the non-compliance, and the Owner responsible for such non-compliance shall reimburse the District, upon demand, for all costs and expenses, as well as anticipated costs and expenses, with respect thereto.

2.11 Amendment

These Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, and modified, reenacted, or otherwise changed by the Board, as changing conditions and/or priorities dictate.

2.12 Questions

If you have any questions about the foregoing procedures, feel free to call the ARC at the phone number and address listed in the Section 1.5 of these Guidelines.

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3 SPECIFIC TYPES OF IMPROVEMENTS / SITE RESTRICTIONS

3.1 General

The following is a listing, in alphabetical order, of a wide variety of specific types of Improvements which Owners typically consider installing, with pertinent information as to each. Unless otherwise specifically stated, drawings or plans for a proposed Improvement must be submitted to the ARC and written approval of the ARC obtained before the Improvements are made. In some cases, where it is specifically so noted, an Owner may proceed with the Improvements without advance approval if the Owner follows the stated guideline. In some cases, where specifically stated, some types of Improvements are prohibited. ARC review and approval is required on any external items not be listed below.

3.1.1 Variances

Approval of any proposed plans by the granting of a variance from compliance with any of the provisions of these Guidelines is at the sole discretion of the ARC when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require.

3.1.2 Waivers; No Precedent

The approval or consent of the ARC to any application for approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent as to any application or other matters whatsoever, as to which approval or consent may subsequently or additionally be required. Nor shall any such approval or consent be deemed to constitute a precedent in any other matter.

3.1.3 Liability

The ARC and the members thereof shall not be liable in damages to any person submitting requests for approval or to any approval, or failure to approve or disapprove in regard to any matter within its jurisdiction. The ARC shall not bear any responsibility for ensuring structural integrity or soundness of approved construction or modifications, or for ensuring compliance with building codes and other governmental requirements. The ARC will not make any investigation into title, ownership, easements, rights-of-way, or other rights appurtenant to property with respect to architectural requests and shall not be liable for any disputes relating to the same.

3.2 Accessory Buildings

Due to the size of the Townhome and Single Family Lots, accessory buildings, including but not limited to storage sheds and gazebos, are not permitted on Townhome Lots or Single Family Lots.

3.3 Additions and Expansions

Due to the size of the Townhome Lots, additions and expansions of the existing homes constructed on the Townhome Lots are not permitted.

For additions or expansions of homes constructed on SF Lots, approval is required. Additions or expansions must be constructed of wood, masonite, glass, brick, stone, or other material as used in construction of the exterior of the home on the SF Lot. The design must be the same or generally recognized as a complementary architectural style and meet all design guidelines as may be applicable. Colors must be the same as that of the home on the SF Lot.

3.4 Address Numbers

Approval is required to replace, alter or relocate existing address numbers, unless the address numbers are replaced using the same style, color and type of number currently on the home on the Lot.

3.5 Air Conditioning Equipment

Approval is required for all air conditioning equipment, including evaporative coolers (swamp coolers) and attic ventilators, installed after the initial construction.

Approval is not required for replacement of existing air conditioning equipment with like equipment located in the same location as the equipment being replaced.

No heating, air conditioning, air movement (e.g. swamp coolers) or refrigeration equipment shall be placed or installed on rooftops, or extended from windows. Ground mounted equipment must be installed in a manner so as to minimize visibility from the street and minimize any noise to adjacent Lot Owners.

3.6 Antennae/Satellite Dishes

3.6.1 General Provisions

"Permitted Antennas" are defined as (a) an antenna which is less than one meter in diameter and is used to receive direct broadcast satellite service, including direct-to-home satellite services, or is used to receive or transmit fixed wireless signals via satellite; (b) an antenna which is less than one meter in diameter and is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services or is used to receive or transmit fixed wireless signals other than via satellite; (c) an antenna which is designed to receive broadcast television broadcast signals; or (d) other antennas which are expressly permitted under applicable federal statutes or regulations. In the event a Permitted Antenna is no longer expressly permitted under applicable federal statutes or regulations, such antenna will no longer be a Permitted Antenna for purposes of

this Section. Installation of Permitted Antennas shall not require the approval of the ARC.

- A. All Permitted Antennas shall be installed with emphasis on being as unobtrusive as possible to the Community. To the extent that reception is not substantially degraded or costs unreasonably increased, all Permitted Antennas shall be screened from view from any street and nearby Lots to the maximum extent possible, and placement shall be made in the following order of preference:
 - (1) Inside of the home on the Lot, not visible from the street
 - (2) Rear yard or side yard (if applicable), behind and below the fence line
 - (3) Rear yard or side yard (if applicable) mounted on the house, in the least visible location below the roofline
 - (3) Side yard (if applicable) screened by and integrated into the landscaping
 - (4) Back rooftop
 - (5) Front yard area, screened by and integrated into landscaping to the maximum extent possible
- B. If more than one location on the Lot allows for adequate reception without imposing unreasonable expense or delay, the order of preference described above shall be used, and the least visible site shall be selected.
- C. Permitted Antennas shall not encroach upon common areas or any other Owner's Lot.
- D. Permitted Antennas shall not be installed on fences or railings.

3.6.2 Installation of Antennae/Satellite Dishes

- A. All installations must comply with all applicable building codes and other governmental regulations, and must be secured so they do not jeopardize the safety of residents or cause damage to adjacent properties. Any installation must strictly comply with FCC guidelines.
- B. All Permitted Antennas shall be no larger, nor installed more visibly, than is necessary for reception of an acceptable signal.
- C. Owners are responsible for all costs associated with the Permitted Antenna, including but not limited to costs to install, replace, repair, maintain, relocate, or remove the Permitted Antenna.

- D. All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Permitted Antennas, masts and any visible wiring may be required to be painted to match the color of the structure to which they are attached. The Owner should check with the installer/vendor for the appropriate type of paint.
- E. All other antennas, not addressed above, are prohibited.

3.7 Awnings

Approval is required. Awnings should be an integral part of the house or patio design. The color shall be complementary to the exterior of the house. For cloth awnings, a swatch of material to be used must be provided with the ARR.

3.8 Barbecue/Gas Grills

Approval is not required. All barbecue grills, smokers, etc. must be stored in side yard, if applicable, or within an enclosed structure, not visible from the front of the home, when not in use.

3.9 Basketball Backboards

Due to the size of the Townhome Lots, basketball backboards, whether permanent or temporary, are not permitted on Townhome Lots.

For SF Lots, a portable basketball hoop may be placed in a side yard, without prior approval, and may be left out when not in use only if the backboard, hoop, and net are in good repair. Portable basketball backboards that are not in good repair, including the hoop and net, must be stored out of sight when not in use and may not be left out for more than 24 hours.

3.10 Birdbaths

Due to the size of the Townhome Lots, birdbaths are not permitted on Townhome Lots.

For SF Lots, one birdbath, no more than 48 inches in height, measured from the ground, may be placed in a side yard, without prior approval

3.11 Birdhouses and Bird Feeders

Due to the size of the Townhome Lots, birdhouses and bird feeders are not permitted on Townhome Lots.

For SF Lots, approval is not required for birdhouses and bird feeders, subject to the following limitations. The birdhouse or bird feeder must be installed in a side yard, and the size is limited to one foot by two feet. No more than one of each of a birdhouse or bird feeder may be installed on any SF Lot. Birdhouses or bird feeders may be mounted on a pole, provided the pole shall not exceed five feet in height.

3.12 Clothes Lines and Hangers

Temporary drying structures will be permitted so long as such structures are used solely in a side yard of a SF Lot or are immediately removed from sight after each use. Retractable clotheslines with permanent fixtures require approval.

3.13 Decks

Due to the size of the Townhome Lots, new or expanded decks not constructed as part of the original construction of the home on the Lot are not permitted.

For SF Lots, approval is required. The deck must be harmonious (in configuration, detail, material and color) with the architecture of the house on the SF Lot. Modifications or additions to Declarant or Builder installed decks must incorporate the same materials, colors and detailing as the existing deck. TREX or similar engineered composite wood type products are the preferred material for construction. Plastic, PVC or similar materials are prohibited.

The deck should be located so as not to create an unreasonable level of noise for adjacent property Owners.

Upper-level decks shall be attached directly to the house. Only ground level decks may be approved as freestanding decks. Decks shall not extend beyond the Lot boundaries into any common area. Depending on the Lot location and orientation, decks should not project beyond the side walls of the house. The side walls of the house are defined as the major (structural) side walls and do not include bay windows, chimney enclosures, porches or other such projections. In certain situations, stairs and some portions of the deck may extend up to 4' beyond the side walls.

A solid trim board shall be provided on any open side of the deck to conceal the joists and cut ends of the decking. Underdeck screening should be compatible with the architecture of the house and deck. Any lattice must be properly framed and recessed.

Railings and other features such as privacy screens for attached housing must match the deck design.

3.14 Dog Houses

Due to the size of the Townhome Lots, dog houses are not permitted on the Townhome Lots.

For SF Lots, approval is required. Dog houses are restricted to ten square feet and must be located in a side yard or dog run. Dog houses must be installed at ground level, and must not be visible above the fence. Dog houses must also match the colors and materials of the exterior of the home on the SF Lot. Limit of one dog house per SF Lot.

3.15 Dog Runs

Due to the size of the Townhome Lots, dog runs are not permitted on Townhome Lots.

For SF Lots, approval is required. Dog runs must be located in a side yard, abutting the home. Dog runs will be limited to 200 square feet, unless a variance is granted by the ARC. Dog run fences shall meet the District Optional Picket Fence Specifications set forth in Exhibit A. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

3.16 Doors

Approval is not required for an already existing main entrance door to a home if the material matches or is similar to existing doors on the home and if the color is generally accepted as a complementary color to that of existing doors on the home. Complementary colors would be the body, trim or accent colors of the home or white (for storm/screen doors).

- A. Storm Doors.** Approval is not required for storm doors as long as the door is complementary with the color scheme of the home. Owners wishing to utilize a different color must first obtain approval.
- B. Security Doors and Windows.** All security or security-type doors and windows must be approved prior to installation.

3.17 Fences

3.17.1 General Statement

Fences constructed by the Declarant or a Builder along or abutting property lines, arterial streets, collector streets, and local streets may not be removed, replaced, painted a different color or altered, including, adding a gate, without approval of the ARC. If any such fences constructed by the Declarant or a Builder which are located upon an Owner's Lot are damaged or destroyed, the Owner shall repair or recondition the same at the Owner's expense.

3.17.2 Townhome Lots

Due to the size of the Townhome Lots and the location and configuration of the homes on the Townhome Lots, new or additional fences not constructed as part of the original construction of the home on the Townhome Lot are not permitted.

3.17.3 SF Lots

All front, rear or side yard fences along property lines or within the boundaries of a SF Lot require approval of the ARC. All fencing shall comply with the fence specifications in **Exhibit A**.

3.17.4 Prior Approved Fencing

To the extent that fencing has been previously approved by the ARC, such fencing will be required to be compliant with this section and Exhibit A at such time as the fence is replaced, or whenever any repair is required or made to more than twenty five (25) percent of the existing fencing material.

3.18 Fire Pits

Due to the size of the Townhome Lots, fire pits are not permitted on Townhome Lots.

For SF Lots, fire pits will only be permitted in a side yard. Approval is required for all permanent or built-in structures. Approval is not required for portable units.

3.19 Flags/Flagpoles

Approval is required for any freestanding flagpole.

Approval is not required for flagpoles mounted to the front of the home provided that the flags displayed thereon (if other than an American Flag) are temporary in nature and are only displayed on holidays or in celebration of specific events. Such flags must not be placed earlier than 30 days prior to the start of the particular holiday or event/celebration and must be removed no later than 30 days following the particular holiday or event/celebration. Under no circumstance may the height of the flagpole exceed the height of the roofline of the home. Flag size cannot exceed five feet in length and three feet in width.

American Flags: Owners and residents shall be permitted to display an American flag in accordance with the Federal Flag Code and as follows:

- A.** The flag shall be no larger than three feet by five feet.
- B.** The flag may be displayed in a window or from a flagpole projecting horizontally from a location on the front of the home.
- C.** Flags and/or flagpoles shall be replaced as necessary in order to prevent wear and tear.
- D.** Flags may not be illuminated without prior written approval of the ARC. Any request for lighting must detail the type and location of lighting. Lighting shall be placed so as not to disturb Owners of neighboring Lots.

An Owner or resident may display a service flag bearing a star denoting the Owner's or resident's or his family member's active or reserve U.S. military service during a time of war or armed conflict. The flag may be displayed on the inside of a window or door of the home on the Lot. The flag may not be larger than 9 inches by 16 inches.

3.20 Gardens – Flower or Vegetable

Due to the size of the Townhome Lots, flower and/or vegetable gardens are not permitted on Townhome Lots. A limited number of potted plants or flowers may be placed on the front porch of the home on the Townhome Lot during the applicable growing season as long as the same are maintained in clean and slightly manner, and are removed at the end of the applicable growing season.

For SF Lots, approval is not required for flower or vegetable gardens that do not exceed 100 total square feet. All flower gardens must be weeded, cared for and maintained. Vegetable gardens shall be located in a side yard.

3.21 Gazebos

Due to the size of the Townhome Lots, gazebos are not permitted on Townhome Lots.

For SF Lots, approval is required. A gazebo must be an integral part of a side yard landscape plan and must be similar in material and design to the residence on the SF Lot. The color must be generally accepted as a complementary color to the exterior of the residence.

3.22 Greenhouses

Due to the size of the Townhome Lots, greenhouses are not permitted on Townhome Lots.

For SF Lots, approval is required. Approval will be based upon but not limited to general aesthetics, quality and permanence of materials used. Greenhouses may only be located in a side yard.

3.23 Hot Tubs and Jacuzzis

Due to the size of the Townhome Lots, outdoor hot tubs, spas and Jacuzzis are not permitted on Townhome Lots.

For SF Lots, approval is required. Outdoor hot tubs and Jacuzzis must be an integral part of the deck or patio area and of the side yard landscaping, and be installed in such a way that it is not immediately visible to adjacent property Owners and that it does not create an unreasonable level of noise for adjacent property Owners. In some instances, additional plant material around the hot tub may be required for screening. Non-vegetative screening materials should match or complement the house or deck structure. Prefabricated hot tub enclosures will be evaluated on a case-by-case basis, and may require additional plant screening.

3.24 Landscaping

The installation or modification of any landscaping requires approval.

The plot plan of the residence and yard must be provided at a measurable scale. All organic materials (plants, shrubs, trees, etc.), building materials (stone, wood, edging, etc.), must be clearly labeled in detail.

Significant structural elements related to landscaping, such as retaining walls, paved areas, steps, etc., must be submitted for review and approval. Changes in grade or drainage pattern must not adversely affect adjoining properties and shall comply with drainage change requirements of the Covenants.

Plant materials should be appropriate in character, habitat, species, size (both installed and mature), number and arrangement for their purpose and surroundings.

Owners are responsible for compliance with all, County laws regarding tree installation and approved tree species. Certain tree species, such as Russian Olive, are not permitted by the County or State.

Mulch material shall be selected recognizing that high winds may be present. Mulches that “knit” together and hold to the ground should be used. Owners are responsible for removal of any mulch material that blows into other Owners’ property or the common areas of the District.

Stone used as accent elements, ground cover or paving material should be chosen so that its color, size and installation complement the architecture of the house, the natural environment and associated plan materials. Monolithic paving of yards or covering yards with decorative stones as a primary design element is prohibited.

3.25 Lights and Lighting

Approval is not required for replacing existing lighting, including coach lights, with the same or similar lighting style and color as originally installed.

Approval is required to modify or add exterior lighting.

Approval is required to install spotlights (including motion detected spotlights), floodlights or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.).

- A.** Considerations will include, but may not be limited to, the visibility, style and location of the fixture.
- B.** Exterior lighting for security and/or other uses must be directed at the ground and the home, whereby the light cone stays within the Lot boundaries and the light source does not cause glare to other Lots (bullet type light fixtures are recommended).
- C.** Ground lighting along walks must be maintained in a working and sightly manner. Low-voltage or solar powered ground lighting fixtures which are typically affixed by stakes or similar posts are to be maintained in good aesthetic repair, be functional, not be a tripping or other physical hazard along pedestrian pathways, and remain generally vertical in their presentation.
- D.** The additional of a front yard light post will be allowed with approval and pursuant to the following:
 - (1) Exterior lights must be conservative in design and be as small in size as is reasonably practical.
 - (2) Exterior lighting should be directed toward the ground and be of low voltage to minimize glare onto neighboring properties and the street.

- (3) Soft, outdoor pedestrian-oriented lighting should be used with dark colored lighting fixtures so as to be less obtrusive.
- (4) The light post should match or complement the architecture of the home in design, size, color, and finish along with any existing light fixtures.
- (5) Light posts shall be located at an appropriate distance from the right-of-way and property line to minimize glare onto neighboring properties and the street and should be integrated into the natural or architectural features of the site.
- (6) Light or lamp posts shall not be erected higher than 6' feet from ground level, unless approved by the ARC.
- (7) All lighting should not be intrusive to neighboring properties and must meet all County requirements.

Holiday lighting and decorations do not require approval. It is required that they not be installed more than 30 days prior to the holiday. They shall be removed within 30 days following the holiday.

3.26 Ornaments/Art - Landscape/Yard

Due to the size of the Townhome Lots, yard ornaments or yard art are not permitted on Townhome Lots.

For SF Lots, approval is not required for yard ornaments or art installed in a side yard and which are of a height three feet or less.

3.27 Painting

3.27.1 General Guidelines.

ARC approval is not required if color and/or color combinations are identical to the original color established on the home. Any changes to the color scheme or color changes must be submitted for approval.

- A. The ARR submitted must include color samples, with a general description of the colors of the next four houses on either side of your home (or photos showing the colors of the next four houses on either side of your home).
- B. The ARC will not approve submittals without a description or photos of neighbors' paint colors.
- C. Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.

- D. Most homes have multiple tone paint schemes (e.g., body color, trim color and accent color for shutters and doors). New colors submitted should preserve this multiple tone scheme.
- E. Color selections should be submitted to the ARC in the form of manufacturer's paint chips. Please indicate which color chips are for trim, body and accent (doors and shutters) color.
- F. 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 and unstained areas (such as brick or stone) shall remain unpainted and unstained.

3.72.2 Townhome Lots.

Because the homes within each building on Townhome Lots are attached via party walls (each building containing such attached homes shall be referred to herein as a "**Townhome Building**"), and the colors used on each individual home within a Townhome Building were designed to coordinate and complement one another, careful consideration must be given to maintaining the overall appearance of any particular Townhome Building in the event any or all of the individual homes in a Townhome Building are to be painted.

All Owners of the individual homes within a Townhome Building are encouraged to coordinate the repainting of the exterior of the homes within that Townhome Building at the same time, even if painting in the same colors as originally used, to maintain uniformity of colors, finish, condition, etc.

In the event any one, but not all, of the Owners of individual homes in a Townhome Building submits a painting request to the ARC, the request must be for the same colors as existing on that home, or if the homes within that Townhome Building are or have each been painted in different colors, the color must be complementary to the colors existing on the other homes within that Townhome Building.

3.28 Patios

Due to the size of the Townhome Lots, new or expanded patios and/or patio covers not constructed as part of the original construction of the home are not permitted.

Approval for any new or expanded patio on any SF Lot constructed or expanded after the initial construction of any patio by the builder of the home on the SF Lot is required, subject to the following. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property Owners. In some instances, additional plant material around the patio may be required for screening or integration into the landscape design. The patio and materials must be similar or generally accepted as a complementary color and design to the residence. Patios may not be more than 25% percent of the entire side yard of the Lot unless otherwise approved by the ARC.

For SF Lots, approval of patio covers is required. Patio covers must be constructed of material consistent with the home and be similar or generally recognized as complementary in color to the colors on the house. Freestanding patio covers may be permitted as well as extensions of the roof.

3.29 Pipes

Approval is required for all exterior pipes, conduits and equipment. Adequate screening may also be required.

3.30 Play Structures and Sports Equipment

Due to the size of the Townhome Lots, play structures and sports equipment are not permitted on Townhome Lots.

For SF Lots, approval is required. Consideration will be given to adjacent properties (a minimum five foot setback from the property line, is required for trampolines, swing sets, fort structures, etc.) so as not to create an undue disturbance. In some instances, additional plant material around the equipment may be required for screening. Wood structures must be constructed of pressure treated or other weather resistant materials. All play equipment must be maintained in a good and sightly manner. The use of multi-colored cloth/canvas tarps will not be approved. Height of any play structure or sports equipment may not exceed 12 feet.

3.31 Playhouses

Due to the size of the Townhome Lots, playhouses are not permitted on Townhome Lots.

For SF Lots, approval is not required if a structure is less than 24 square feet and less than 6 feet high, from highest point to the ground.

Approval is required for structures on SF Lots greater than 24 square feet and/or greater than 6 feet high, from the highest point to the ground.

3.32 Ponds and Water Features

Due to the size of the Townhome Lots, ponds and water features on Townhome Lots are not permitted.

For SF Lots, approval is required. Considerations by the ARC will include, but not be limited to, the following criteria:

- A.** Must be integrated into landscape scheme.
- B.** Setback shall be a minimum of five feet from all property lines.
- C.** Must not affect existing drainage on the lot or off the property.
- D.** Must be maintained at all times.

The maximum height of all fountain/pool elements and their spray is not allowed to be higher than four feet from the ground plane.

3.33 Pools

Due to the size of the Lots, permanent swimming pools, whether above ground or in-ground, are not permitted. However, one wading pool, if less than 18 inches high and 8 feet in diameter, per Lot, is permitted on a temporary basis without prior approval, but must be stored out of sight when not in use.

3.34 Radon Mitigation Systems

Approval is required. All exterior piping must be painted a color similar or generally accepted as complementary to the exterior of the home at the time of installation. Exterior radon fan housing is not required to be painted. All equipment shall be installed so as to minimize its visibility.

3.35 Roofing Materials

Approval is required for all roofing materials other than repair using roofing materials that are substantially identical to the roofing materials being repaired. All homes should be roofed with the same or greater quality and type of roofing material as originally used by the Declarant or a Builder.

In the event the shingles on any one, but not all, of the individual homes in a Townhome Building are to be replaced, the replacement shingles must be of the same color as exists on the other homes in that Townhome Building in order to maintain a consistent and uniform appearance of the roof. If the shingles on all of the homes in a Townhome Building are to be replaced at one time, all Owners of those homes must agree on the color of the shingles to be used for all of the homes within that Townhome Building, subject to approval by the ARC.

3.36 Rooftop Equipment

Approval is required. Equipment must be painted a color similar or generally accepted as complementary to the roofing material of the home. All rooftop equipment shall be installed so as to minimize its visibility.

3.37 Seasonal Decorations

Approval is not required if installed on a Lot within 30 days of the holiday or event/celebration, and provided that the decorations are removed within 30 days of the holiday or event/celebration.

3.38 Security Devices.

Approval is not required. Security devices, including cameras and alarms, must be selected, located and installed so as to be an integral part of the home and not distract from the home's

architecture and appearance. Cameras and housing sirens, speaker boxes, conduits and related exterior elements should be unobtrusive and inconspicuous. Such devices should be located where not readily visible and should be a color that blends with or matches the surface to which it is attached. Any lighting associated with the Security system does need prior approval and shall comply with Section 3.25, Lights and Lighting

3.39 Siding

Approval is required. Vinyl siding will not be allowed.

Because the type or types of siding used on each individual home within a Townhome Building were designed to coordinate and complement one another, careful consideration must be given to maintaining the overall appearance of any particular Townhome Building in the event the siding on any or all of the individual homes in a Townhome Building is to be replaced.

In the event an Owner of an individual home in a Townhome Building submits a siding request to the ARC, the request must be for the same or substantially the same type or types of siding as existing on that home, or if the siding is to be changed to a different type, the requested type of siding must be complementary to the type or types of siding existing on the other homes within that Townhome Building.

3.40 Signs

Approval is not required for one temporary sign advertising a Lot for sale or lease or one open house sign, which shall be no larger than five square feet and which are conservative in color and style; one yard/garage sale signs which is no larger than 36" x 48"; and/or burglar alarm notification signs, ground staked or window mounted which are no larger than 8" x 8". Such signs may be installed in the front yard area of the Lot.

Political signs (defined as signs that carry a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue) may be displayed within the boundaries of an Owner's or resident's Lot without approval, subject to the following:

- A.** Political signs may not be displayed earlier than 45 days before the day of the election and must be removed no later than seven days after the election.
- B.** No more than one political sign per political office or ballot issue that is contested in the pending election may be displayed.
- C.** Political signs shall not exceed 36" by 48" in size.

Approval is required for all other signs. No lighted sign will be permitted unless utilized by the Declarant and/or a Builder.

3.41 Solar Energy Devices

Approval is required in order to review aesthetic conditions. Photovoltaic (PV) Solar panels must lay flat on the roof, meet all applicable safety, building codes and electrical requirements, including solar panels for thermal systems (solar water heaters). The ARC is allowed to request changes as long as they don't significantly increase the cost or decrease the efficiency of the proposed device and panels. Please also see Colorado Law C.R.S. 38-30-168, which governs the review and the Owner's installation of such devices.

3.42 Statues or Fountains

Due to the size of the Townhome Lots, statues and/or fountains are not permitted on Townhome Lots.

For SF Lots, approval is not required for statues or fountains installed in a side yard and which are not greater than four feet in height from the highest point, including any pedestal.

3.43 Windows

Approval is required. Considerations will include, but may not be limited to, size, color, existing and proposed window style and style of home.

Approval is required for any visible window tinting. Highly reflective and/or dark tinting is considered too commercial for residential applications and is not permitted.

Approval is required for security bars and may not be approved on second story windows and other windows visible to the street.

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EXHIBIT A

OPTIONAL PICKET FENCE BY OWNER FOR SINGLE FAMILY DETACHED HOMES ONLY

All Lot fencing shall be 2-rail picket type fence as specified below. Fences are permitted on detached single family Lots only. Owners may install a gate in either or both returns to access the yard. A gate is required on front access sidewalk to front door. Fences that follow the specification below with no variance are pre-approved. A variance in fence location may be requested via the District Architectural Review Request process.

1. Fence post are to be installed with the center of each post on the Lot line.
2. Returns to home shall be at a 90-degree angle to the Lot line. Returns shall be parallel to the rear of the home. Fencing may not extend past the rear of the home.
3. The setback from the front pedestrian sidewalk shall be three (3) feet.
4. Gates shall open out away from home and towards common space. Rear gate may be less than the specified four (4) feet wide if desired by Owner. Front gate shall be specified four (4) feet wide.
5. "Picket" side of fence shall face common area and "rail" side shall face home. Fence may face either direction on Lot line fence runs between two homes.
6. Fence shall be stained at time of installation. "Approved Equal" fence stain: Behr Transparent waterproofing wood finish, part #401 Cedar Natural Tone. Part #501 water-based equivalent is not acceptable.
7. Any required District irrigation system reconfiguration to accommodate fence installation, if any, must be done by the District landscape contractor and the cost shall be the responsibility of the Owner.
8. All lumber shall be western red cedar. "Eastern" or "White" cedar is not acceptable.

Figure 1. Fence Location

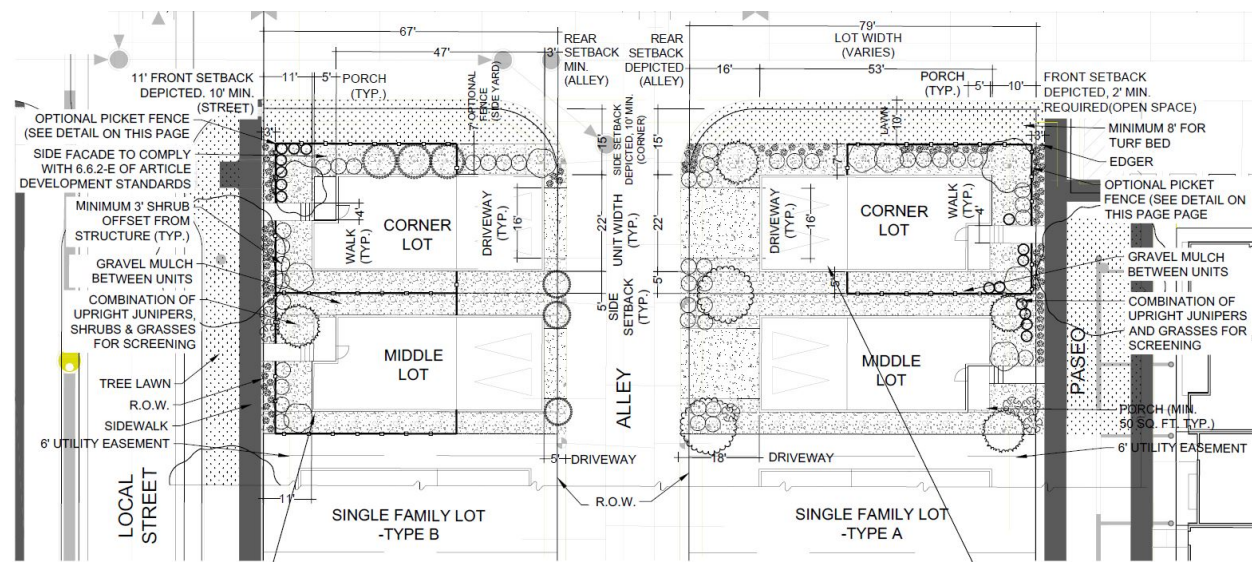
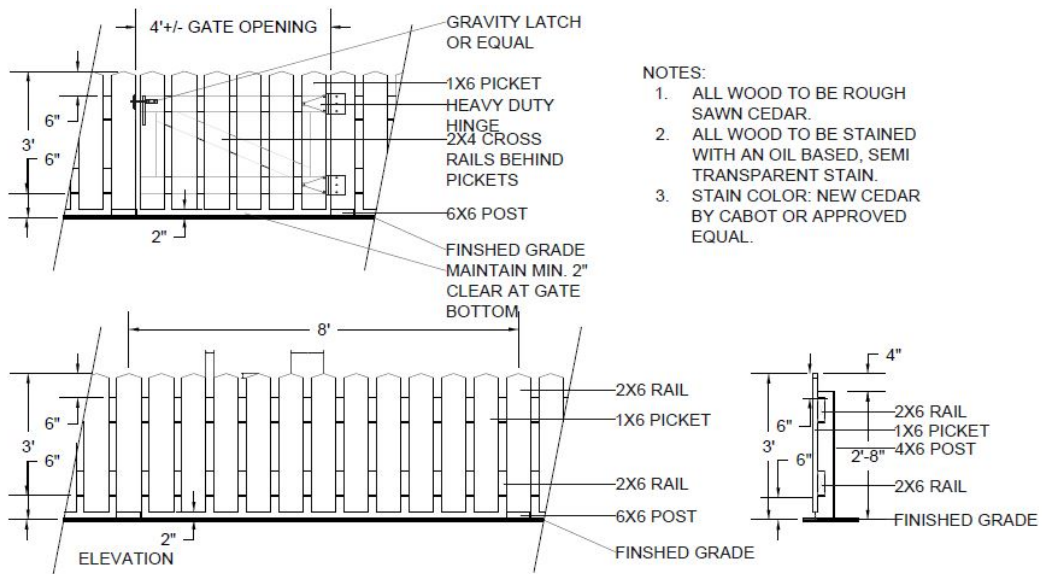


Figure 2. Fence and Gate Specification



- NOTES:
1. ALL WOOD TO BE ROUGH SAWN CEDAR.
 2. ALL WOOD TO BE STAINED WITH AN OIL BASED, SEMI TRANSPARENT STAIN.
 3. STAIN COLOR: NEW CEDAR BY CABOT OR APPROVED EQUAL.

OPTIONAL PICKET FENCE BY OWNER FOR SINGLE FAMILY DETACHED HOMES ONLY