

**RESIDENTIAL IMPROVEMENT
GUIDELINES
AND SITE RESTRICTIONS FOR
MOUNTAIN SKY HOME OWNERS
ASSOCIATION**

EFFECTIVE DATE May 16, 2016

Table of Contents

1	INTRODUCTION.....	6
1.1	Basis for Guidelines.....	6
1.2	Definitions.....	6
1.3	Contents of Guidelines.....	6
1.4	Architectural Review Committee or Representative.....	6
1.5	ARC Contact Information.....	6
1.6	Effect of Covenants.....	7
1.7	Effect of Governmental and Other Regulations.....	7
1.8	Interference with Utilities.....	7
1.9	Goal of Guidelines.....	7
1.10	Enforcement of Covenants and Design Guidelines.....	8
1.11	Builders Exemption.....	8
1.12	General Housing Guidelines.....	9
2	PROCEDURES FOR ARC APPROVAL.....	10
2.1	General.....	10
2.2	Drawings or Plans.....	10
2.3	Submission of Drawings and Plans.....	11
2.4	Action by ARC.....	11
2.5	Revisions and Additions to Approved Plans.....	11
2.6	Completion of Work.....	11
2.7	Notice of Completion.....	12
2.8	Inspection of Work.....	12
2.9	Rights of Appeal.....	12
2.10	Notice of Non-compliance.....	12
2.11	Correction of Non-compliance.....	13
2.12	Amendment.....	13
2.13	Questions.....	13
3	SPECIFIC TYPES OF IMPROVEMENTS / SITE RESTRICTIONS.....	14
3.1	General.....	14
3.1.1	Variances.....	14
3.1.2	No Unsightliness.....	14
3.2	Accessory Buildings.....	14

3.3	Additions and Expansions	15
3.4	Address Numbers	15
3.5	Advertising	15
3.6	Air Conditioning Equipment	15
3.7	Antennae/Satellite Dishes.....	16
3.8	Awnings	17
3.9	Balconies	17
3.10	Barbecue/Gas Grills.....	17
3.11	Basketball Backboards	17
3.12	Birdbaths.....	18
3.13	Birdhouses and Bird Feeders	18
3.14	Boats	18
3.15	Carports	18
3.16	Clothes Lines and Hangers	18
3.17	Cloth or Canvas Overhangs	18
3.18	Commercial and/or Oversized Vehicles	18
3.18.1	Commercial Vehicles,	18
3.18.2	Vehicle Maintenance and Repair.....	19
3.19	Compost.....	19
3.20	Decks	19
3.21	Dog Houses	20
3.22	Dog Runs	20
3.23	Doors	20
3.24	Drainage	21
3.25	Driveways	21
3.26	Evaporative Coolers.....	21
3.27	Exterior Lighting	21
3.28	Fences	21
3.28.1	General Statement.....	21
3.28.2	Fence Designs	22
3.28.3	Maintenance/Staining	22
3.28.4	Additional Fence Requirements	22
3.28.5	Prior Approved Fencing	23
3.29	Fire Pits.....	23
3.30	Firewood Storage.....	23
3.31	Flags/Flagpoles.....	23
3.31.1	American Flags	24
3.32	Garage Sales	24

3.33	Garbage Containers and Storage Areas	24
3.34	Gardens – Flower or Vegetable.....	24
3.35	Gazebos.....	25
3.36	Grading and Grade Changes.....	25
3.37	Greenhouses	25
3.38	Hanging of Clothes	25
3.39	Hot Tubs and Jacuzzis	25
3.40	Irrigation Systems.....	25
3.41	Kennels.....	26
3.42	Landscaping.....	26
3.42.1	Landscape Installation Schedule.....	27
3.42.2	Landscape Maintenance.....	27
3.43	Latticework, Trellis, Arbors	27
3.44	Lights and Lighting.....	27
3.45	Mailboxes.....	28
3.46	Maintenance of Property.....	28
3.47	Motor Vehicles/Recreational Vehicles	28
3.48	Ornaments/Art - Landscape/Yard.....	29
3.49	Overhangs/Awnings- Cloth or Canvas.....	29
3.50	Painting	29
3.51	Patio Covers	30
3.52	Patios - Enclosed.....	30
3.53	Patios - Open.....	30
3.54	Paving	30
3.55	Pipes	30
3.56	Play Structures and Sports Equipment.....	30
3.57	Playhouses	31
3.58	Poles	31
3.59	Ponds and Water Features.....	31
3.60	Pools	31
3.61	Radio Antennae	31
3.62	Radon Mitigation Systems.....	32
3.63	Roofing Materials.....	32
3.64	Rooftop Equipment.....	32
3.65	Satellite Dishes	32
3.66	Saunas.....	32
3.67	Screen Doors.....	32
3.68	Seasonal Decorations.....	32

3.69	Sewage Disposal Systems/Septic Systems (Individual)	32
3.70	Sheds	32
3.71	Shutters - Exterior	32
3.72	Siding	33
3.73	Signs	33
3.74	Skylights	33
3.75	Solar Energy Devices	33
3.76	Spas	34
3.77	Sprinkler Systems	34
3.78	Statues or Fountains	34
3.79	Storage Sheds	34
3.80	Sunshades	34
3.81	Swamp Coolers	34
3.82	Swing Sets	34
3.83	Television Antennae	34
3.84	Temporary Structures	34
3.85	Trash Containers, Enclosures, and Pick Up	35
3.86	Tree Houses	35
3.87	Tree Lawn	35
3.88	Utility Equipment	35
3.89	Vanes	35
3.90	Vents	35
3.91	Walls	36
3.92	Walls, Retaining	36
3.93	Weather Vanes and Directionals	36
3.94	Wind Electric Generators	36
3.95	Windows Replacement	36
3.96	Windows: Tinting, Security Bars, Well Covers, etc	36
3.97	Work Involving District Property	37
3.98	Xeriscape	37
SCHEDULE 1 - FRONT YARD LIGHT POST GUIDELINES		38
SCHEDULE 2 - LANDSCAPE DETAIL		39

1 INTRODUCTION

1.1 Basis for Guidelines

These Residential Improvement Guidelines and Site Restrictions (the “Guidelines”) are intended to assist Owners living in the Mountain Sky Community (the “Community”) in implementing landscaping and other Improvements to their property. The Declaration of Covenants, Conditions and Restrictions for Mountain Sky (the “Covenants”) require prior approval from the Architectural Review Committee (the “ARC”) before the construction, erection, placement, alteration, planting, installation or modification of any Improvement upon any Unit shall be made. In order to assist Owners, the ARC desires to establish certain pre-approved designs for several types of Improvements and to exempt certain Improvements from the requirement for approval. This booklet contains the guidelines established by the ARC with respect to property subject to the Covenants.

1.2 Definitions

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

The use of the word Owner in these Guidelines shall apply to and include any Person who is permitted to be on the Property by an Owner including, but not limited to, an Owner’s family, guests, invitees, tenants, visitors or independent contractors.

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	FAX	E-MAIL
Pinnacle Consulting Group, Inc.	970-669-3611	970-669-3612	KammyT@PinnacleConsultingGroupInc.com

1.6 Effect of Covenants

The Covenants govern 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 property and any Improvements must comply with any applicable building codes and other governmental requirements and regulations. Additionally, the Community is subject to the restrictions and controls established in the Mountain Sky Planned Unit Development (PUD). Owners are encouraged to contact the Town of Severance 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 property, 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 property 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 property from the ARC, Owners will be protecting their financial investment and will help insure that improvements to property 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.

1.10 Enforcement of Covenants and Design Guidelines

The Mountain Sky Home Owners Association (the "Association") shall have primary responsibility for the enforcement of the architectural requirements of the Covenants and these Guidelines. The Association, its agents, and the ARC will investigate written complaints concerning violations of the requirements/prohibitions of the Covenants or these Guidelines, if such complaints are signed and dated by the person making the complaint. The Association, its agents, and the ARC shall use all reasonable means to maintain the anonymity of complainants. If a violation is found as a result of a complaint or through its own inspections, the Association shall notify the Owner whose property is in violation, in writing, requesting that appropriate action be taken to achieve compliance. The Association shall take enforcement action (including assessing fines, fees, and penalties) in accordance with the Association's compliance and fee policy then in effect. Specific duties and powers of the ARC and the Association are more fully set forth in the Covenants.

1.11 Builders Exemption

Pursuant to the Declaration of Covenants, Conditions and Restrictions for MOUNTAIN SKY, Section 3.18, A Builder may request written approval from the Declarant for a building plan or any number of building plans. Upon written approval from the Declarant, the Builder may build that plan, or plans without further review and approval from the ARC subject to the following conditions.

- A.** The Builder shall give notice to the ARC as to which lot, or lots the plan, or plans will be constructed on.
- B.** The Builder may build the identical plan and elevation provided the identical plans and elevations are separated by at least two distinctly different plans.
- C.** The Builder may build the same plan with a different elevation and paint scheme provided the plans are separated by at least one distinctly different plan.
- D.** The Builder may not build the identical plan directly across the street from each other unless the plans have a different elevation and paint scheme.
- E.** In all cases a Builder must offer a minimum of 4 different plans with a minimum of 3 elevations each and a minimum of 5 paint schemes.
- F.** The Builder may submit standardized landscaping plans for the front and/or rear yard for review and approval. Identical front yard landscaping plans may not be constructed next to each other.

Once a home has been purchased by a third party from the Builder these Guidelines will control. All future changes, modifications and additions to the property must be approved by the ARC.

1.12 General Housing Guidelines

Residential Properties within Mountain Sky are defined by three distinct Community areas.

The western portion of the Community is defined by large (1/2 acre +/-) lots with semi-custom home styles. The minimum home square footage for this area is 2,200 square feet for ranch style homes and 2,500 square feet for two story style homes. All homes must have a minimum 3 car side-by-side garage with a minimum of 2 separate garage doors. 4 car garages are encouraged. The product design must consider 'four sided architecture' with focus on integration of all elements into a cohesive design. All other design Guidelines defined herein shall apply.

The eastern portion of the Community is defined by smaller suburban (1/4 - 1/5 acre +/-) lots with production home styles. The minimum home square footage for this area is 1,500 square feet for ranch style homes and 1,900 square feet for two story style homes. All homes must have a minimum 2 car side-by-side garage. 3 car garages are encouraged. The product design will focus on the front façade with pleasing side and rear elevations that complement the overall design. All other design Guidelines defined herein shall apply.

The southwestern portion of the Community is planned for multifamily attached housing. The site plans for this area must incorporate all elements dictated by the approved Mountain Sky PUD. The ARC will review the plans paying special attention to features such as: building massing, separation and setbacks; four sided architecture integration; paint and color themes; parking location and adequacy, covered parking and individual garage areas; landscaping themes; entry details and construction phasing. The applicant is encouraged to schedule a preliminary meeting with the ARC to discuss their concept plans prior to formal submission. It is anticipated that the multifamily developer may want to establish a Home Owners Association to enforce special covenants that only affect that area. The ARC and the Association will consider any such request based on its merits. In all cases the Guidelines defined herein shall apply.

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2 PROCEDURES FOR ARC APPROVAL

2.1 General

As indicated in Section 3, 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 a few 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 property is commenced.

2.2 Drawings or Plans

Owners are required to submit to the ARC a Design Review Request Form and complete plans and specifications (said plans and specification to 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) prior to commencement of work on any improvement to property. 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 of 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, ten (10) feet by twelve (12) feet with two inch by four inch (2"x4") decking and natural stain.
- C.** The plan or drawing and other materials should show the name of the Owner, the address of the home, the lot, block and filing number, e-mail and a 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 the Town. 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

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

The review fees as set forth on the Architectural Design Review Submittal Fees Sheet (available from the entity listed in Section 1.5) shall be submitted with the Design Review Request Form. In addition, any costs incurred by the ARC 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 ARC in reviewing any submission will be assessed to the Owner requesting approval of the submission.

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 forty-five (45) days after the complete submission of plans, specifications, and other materials and information as requested by the ARC. If, for any reason, 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 forty-five (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 by 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; provided that 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

Upon the completion of an Improvement, the applicant for approval of the same shall give a written "Notice of Completion" to the ARC (in form and substance acceptable to the ARC, or on forms provided by 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.

2.8 Inspection of Work

The ARC, or its duly authorized representative, 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 Article. However, such right of inspection shall terminate ninety (90) days after the ARC has received a Notice of Completion from the applicant and no action has been initiated by the ARC. The ninety (90) day period to perform inspections after the ARC has received a Notice of Completion does not apply to or limit the right or authority of the ARC to require compliance with the review and approval process as set forth in the Covenants and these Guidelines, or the right or authority of the Association to enforce the Covenants, these Guidelines, or any Rules and Regulations, including but not limited to the requirements pertaining to the maintenance of Improvements.

2.9 Rights of Appeal

The affirmative, majority vote of the ARC shall be required for approval (which may be with conditions and/or requirements) of each matter, unless the Person with the authority to appoint the ARC, as provided in the Covenants, has delegated, in writing, some or all architectural authority, to one or more other Persons or the ARC has appointed a representative or committee to act for it, in which case the decision of such Person, representative or committee shall control. An Owner may appeal to the ARC in the event of adverse action by committee of representative, provided such appeals are submitted in writing within thirty (30) days after the applicant received notice of such adverse action.

2.10 Notice of Non-compliance

If, as a result of inspections or otherwise, the ARC 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 (except landscaping, as provided below), subject to any extensions of time granted pursuant to Section 2.6 hereof, then the ARC shall notify the applicant in writing of the Non-Compliance. Such notice of Non-compliance shall be given not later than sixty (60) days after (as applicable), (a) the ARC receives a Notice of Completion from the applicant, or (b) the ARC discovers any such noncompliance. The notice of Non-compliance shall specify the particulars of the Non-compliance.

2.11 Correction of Non-compliance

If the ARC determines that a Non-compliance exists, the Person responsible for such Non-compliance shall remedy or remove the same within not more than forty-five (45) days from the date of receipt of the notice of Non-compliance. If such Person does not comply with the ruling within such period, the ARC shall notify the Association, and the Association may, at its option, record a notice of Non-compliance against the Unit 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 Person responsible for such Non-compliance shall reimburse the Association, upon demand, for all costs and expenses, as well as anticipated costs and expenses, with respect thereto.

2.12 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 ARC in its sole discretion as changing conditions and/or priorities dictate.

2.13 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 No Unsightliness

All unsightly conditions, structures, facilities, equipment, and objects, including snow removal equipment and garden or maintenance equipment, when not in actual use, must be enclosed within a structure.

3.2 Accessory Buildings

Approval is required. Approval will be based upon, but not limited to, the following criteria:

- A.** Storage sheds and/or accessory buildings must be aesthetically compatible and consistent with the style and character of the home and other homes in the same general area of the Community. Storage sheds and/or any accessory buildings shall not be more than eight (8) feet by ten (10), and shall not be more than eight (8) feet high at the top of wall, nor more than ten (10) feet high at the roof peak. The roof pitch must be complementary to the existing roof on the home, unless otherwise approved by the ARC.
- B.** Siding, roofing, and trim materials must match those on the home, unless otherwise approved by the ARC.
- C.** Smaller Units may not have a suitable location for a storage shed. In any case, no more than one (1) storage shed and one (1) playhouse (see Section 3.57, Playhouses) shall be permitted per property.

- D. The ARC, in reviewing and approving or denying an application for approval of a storage shed or accessory building, shall take into consideration lot size, square footage of the home, the existing grading, fence locations, landscape screenings, etc.
- E. Any utilities serving the storage shed or accessory building shall be underground.
- F. A playhouse or play structure shall not be considered an accessory building.

3.3 Additions and Expansions

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. The design must be the same or generally recognized as a complimentary architectural style and meet all design guidelines as may be applicable. Colors must be the same as that of the residence. Patios may not be more than twenty five percent (25%) of the entire rear lot of the home unless otherwise approved by the ARC.

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 and type of number currently on the residence.

3.5 Advertising

All trade signs, which include, but are not limited to, landscaping, painting, and roofing, may only be displayed while work is in progress and must be removed upon completion of the job. See Section 3.73, Signs.

3.6 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.

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 or exterior wall air conditioning equipment installed in the side yard must be installed in a manner so as to minimize visibility from the street and minimize any noise to adjacent property Owners.

3.7 Antennae/Satellite Dishes

"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 Units to the maximum extent possible, and placement shall be made in the following order of preference:
 - (1) Inside the structure of the house, not visible from the street
 - (2) Rear yard or side yard, behind and below the fence line
 - (3) Rear yard or side yard, mounted on the house, in the least visible location below roofline
 - (4) Side yard in front of wing fence, screened by and integrated into landscaping
 - (5) Back rooftop
 - (6) Front yard screened by and integrated into landscaping.

- B.** If more than one (1) location on the Unit 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 property.

3.71 Installation

- 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.

3.8 Awnings

Approval is required. Awnings should be an integral part of the house or patio design. The color shall be complimentary to the exterior of the residence.

See Section 3.49, Overhangs/Awnings – Cloth or Canvas.

3.9 Balconies

See Section 3.20, Decks.

3.10 Barbecue/Gas Grills

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

3.11 Basketball Backboards

Approval is not required, subject to the following limitations. No basketball backboards shall be attached to the garage. Only portable basketball backboards shall be allowed if the following guidelines are met:

A. Portable units cannot be placed in the public right of ways, streets, sidewalks or street lawns;

B. Location must be at least half of the length of the driveway away from the street,

C. Portable basketball backboards may not be permanently located in side yards or back yards,

D. Portable basketball backboards 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.

3.12 Birdbaths

See Section 3.78, Statues or Fountains.

3.13 Birdhouses and Bird Feeders

Approval is not required, subject to the following limitations. If installed in the rear yard and the size is limited to one foot by two feet no approval is required. No more than three of each of a birdhouse or birdfeeder shall be installed on any Unit. A birdhouse or bird feeder, which is mounted on a pole, may not exceed five (5) feet in height.

3.14 Boats

See Section 3.47, Motor Vehicles/Recreation Vehicles.

3.15 Carports

Approval will not be granted.

3.16 Clothes Lines and Hangers

Approval is not required, subject to the following limitations. Clotheslines may only be placed in the rear yard. Fixed clotheslines and hangers are not permitted. Temporary drying structures will be permitted so long as such structures are used solely in the rear yard of a lot and are immediately removed from sight after each use. Retractable clotheslines with permanent fixtures require approval.

3.17 Cloth or Canvas Overhangs

See Section 3.49, Overhangs/Awnings – Cloth or Canvas.

3.18 Commercial and/or Oversized Vehicles

The garage area and driveway of each Unit should first be fully used for the parking of vehicles before any street parking is done. However, notwithstanding the foregoing, street parking is not restricted by this Section.

3.18.1 Commercial Vehicles,

Vehicles with commercial writing on their exteriors, vehicles primarily used or designed for commercial purposes, tractors, mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camper trailers, boats and other watercraft, recreational vehicles, golf carts and boat trailers, shall be parked only

in enclosed garages or specific areas, if any, which may be designated by ARC. This restriction, however, shall not restrict trucks or commercial vehicles which are necessary for construction or for the maintenance of any portion of the Property, or any Improvements located thereon, nor shall such restriction prohibit vehicles that may be otherwise parked as a temporary expedient for loading, delivery or emergency.

Stored vehicles and vehicles which are inoperable or do not have current operating licenses shall not be permitted on the Property except within enclosed garages. For purposes of this Section, the ARC may determine whether a vehicle is considered "stored".

3.18.2 Vehicle Maintenance and Repair

No activity, including maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicles, trailers or boats, may be performed or conducted in the Unit unless it is done within completely enclosed structure(s) which screen the sight and sound of the activity from the street and from adjoining Units. Any Owner or other Person undertaking any such activities shall be solely responsible for, and assumes all risks of, such activities, including adoption and utilization of any and all necessary safety measures, precautions and ventilation. However, the foregoing restrictions shall not be deemed to prevent washing and polishing of any motor vehicle, boat, trailer, motor-driven cycle, or other vehicle on a Unit, together with those activities normally incident and necessary to such washing and polishing.

3.19 Compost

Approval is not required provided the compost container is not visible to adjacent properties and odor must be controlled. Underground composting is not allowed.

3.20 Decks

Approval is required. The deck must be constructed of redwood or composite type decking products and approved by the ARC. The appropriate Town permits are also required. The decking material must be either redwood in color or of a color that matches one of the exterior paint colors or the masonry on the home. The deck should be located so as not to obstruct or greatly diminish the view for adjacent property Owners.

All deck columns shall be integrated into the architectural style/character of the home. Covered decks shall be compatible with the architectural style of the home through roof form integration, column design, and railing details. Supporting posts and columns associated with all covered decks or those more than thirty (30) inches above grade shall be a minimum eight (8) inches by eight inches unless grouped (two or more 4"x4" posts) or enhanced with a masonry base. When possible, matching the column style present on

the front of the home is preferred.

Decking that is less than thirty (30) inches above grade of the lot, may utilize a lattice skirting provided the skirting is made of redwood minimum one-half (1/2) inch thick boards and stained or painted to match the remaining portions of the deck. Decks may not be more than twenty five (25) percent of the entire rear lot of the home unless otherwise approved by the ARC. Construction shall not occur over easements or beyond the side plane of the home and must be set back a minimum of ten (10) feet from the rear property line or as dictated by zoning. No decks with abutting rear lot lines shall be within thirty (30) feet of each other at any point.

Owners must periodically maintain the deck, including but not limited to, fading, warping, etc.

3.21 Dog Houses

Approval is not required AS LONG AS the dog house complies with the following; Dog house structures may not be larger than ten (10) square feet with a maximum height of four (4) feet to the peak of the roof. The dog house must be located in a fenced back 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. Limit of one dog house per Unit.

3.22 Dog Runs

Approval is required. Dog runs must be located in the rear or side yard, abutting the home and substantially screened from view by planting fast-growing or mature trees, shrubs or perimeter fencing. Dog runs will be limited to two hundred (200) square feet. Dog run fences must be made of wood and should be left natural in color and sealed to prevent weathering. Covers (e.g. tarps, sheets, blankets, etc.) on dog runs are not allowed.

3.23 Doors

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

- A.** Storm Doors. Approval is not required for storm doors as long as the door is complimentary 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.

3.24 Drainage

The Covenants require that there be no interference with the established drainage pattern over any property. The established drainage pattern means the drainage pattern as engineered and constructed by the homebuilder prior (or in some cases, immediately following) conveyance of title from the home builder to the Owner. When installing your landscaping ensure all grades and flow patterns conform to the homebuilder's design and recommendations. All drainage from downspouts off the house should conform to the established drainage pattern. Sump pump drainage should be vented a reasonable distance from the property line, on the Owner's property, to allow for absorption. Adverse effects to adjacent properties, including Association lands, sidewalks and streets, will not be allowed.

3.25 Driveways

Approval is required for any changes or alterations to driveways; this includes construction of a pull-off area to the side of the driveway and/or concrete driveway extensions. Only clear sealant may be used on the driveway (no colors) and Owners will be required to maintain the driveways against oil spills, spauling/peeling/etc.

3.26 Evaporative Coolers

See Section 3.06, Air Conditioning Equipment.

3.27 Exterior Lighting

See Section 3.44, Lights and Lighting.

3.28 Fences

3.28.1 General Statement

Fences constructed by the Developer, Builder or Association 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.

- A.** If any such fences constructed by the Developer or Builder which are located upon an Owner's property are damaged or destroyed by the Owner, the Owner shall repair or recondition the same at the Owner's expense.
- B.** Some fences may be located upon property owned by the Association and, if so, shall not be altered in any way.

3.28.2 Fence Designs

All fences require approval of the ARC.

- A.** Fences installed by the Owner will be located in the rear or side yard along property lines. Fencing adjacent to Streets and Association tracts shall be four (4) feet high, 3 rail white vinyl fencing. The property owner may install a wire mesh to the inside of the fence to restrain pets. The wire mesh must have a vertical 2"x4" rectangular opening pattern. Fencing between private properties shall be five (5) feet tall, 6 inch wide slat, cedar fencing. Gates are preferred to be four (4) feet wide, but may be no wider than five (5) feet if conditions warrant.
- B.** Double fencing of property lines is not permitted. Fences must be placed on the side of the property line of the Owner doing the installation. If 2 Owners are co-installing the fence it may be located directly on the property line.
- C.** All fence slats are required to be placed tightly side by side, shadow box type fencing will not be allowed. However, fences may be constructed 'two-sided' with slats on both sides of the fence rails.
- D.** Fencing for Dog Runs shall be a minimum of four (4) feet in height and a maximum of five (5) feet in height.
- E.** Transitions from five (5) foot cedar to four (4) foot vinyl shall occur in the cedar portion and shall be effected over an eight (8) foot span.

3.28.3 Maintenance/Staining

Regular physical and aesthetic maintenance of fencing is required. All fences must be finished using a semi-transparent redwood colored stain approved by the ARC. Approval is not required for Owners to re-stain their fence.

3.28.4 Additional Fence Requirements

- A.** Fence sections which front any public street, another front yard, common walkway, greenbelt, park or non-urban area must be constructed so that the side of the fence which is generally accepted as being the most "finished" side faces out. The most effective method of accomplishing this is to construct the entire fence with the "finished" side out.
- B.** The ARC will require a transitional section of fencing, as applicable, where a fence adjoins a fence of any lesser height, for symmetry and aesthetics.
- C.** No electric fences are permitted (other than pet containment fencing installed

below grade).

- D. It is important to remember that certain drainage patterns may exist along, or under, proposed fence locations. When constructing a fence, be sure to provide for adequate space between the fence and the ground to accommodate drainage.
- E. When making a submittal for fencing, include the style and height of the fence, color of stain, and all other descriptive details and a plot plan with the location of the fence clearly marked.

3.28.5 Prior Approved Fencing

To the extent that fencing has been previously approved by the ARC based on a prior version of these Guidelines, such fencing will be required to be compliant with this section 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.

3.29 Fire Pits

Approval is required for all permanent or built-in structures. Approval is not required for portable units.

3.30 Firewood Storage

Approval is not required for storage of one (1) cord or less of wood. All firewood must be located in the side or rear yard, must be neatly stacked, must not be located so as to block established drainage patterns, and may not be visible from a street or the ground level of any other lot. All other wood must be stored in an approved enclosure, or "screened" from view.

3.31 Flags/Flagpoles

Approval is required for any freestanding flagpole. Under no circumstance may the height of the flagpole exceed the height of the roofline of the residence. Flag size cannot exceed five (5) feet in length and three (3) feet in width.

Approval is not required for flagpoles mounted to the front of the residence 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. They must not be placed earlier than thirty (30) days prior to the start of the particular holiday/event or celebration and must be removed no later than thirty (30) days following the particular holiday/event or celebration.

3.31.1 American Flags: Owners 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 (3) feet by five (5) feet.
- B.** The flag may be displayed in a window or from a flagpole projecting horizontally from a location on the front of the dwelling. Projecting flagpoles shall be no longer than five (5) feet.
- C.** The Owner shall replace the flag and/or flagpole 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.
- E.** An Owner may display a service flag denoting the Owner's or their family member's active or reserve U.S. military service. The flag may be displayed on the inside of a window or door of the unit or immediately below the American flag on a pole. The flag may not be larger than nine (9) inches by sixteen (16) inches.

3.32 Garage Sales

Approval is not required. No garage, patio, porch or lawn sale shall be held on any residential site/lot except that the Owner of any such residential site may conduct such a sale for up to three (3) consecutive days not more than three times in any calendar year if (a) the items sold are only his own furniture and furnishings, not acquired for purposes of resale; (b) such sale is held at such time and in such manner as not to unreasonably disturb any other resident of the area; and (c) such sale is held in full compliance with the requirements of all applicable law.

In order to maintain the highest level of Community appearance, all signage for garage sales held as permitted above must be freestanding; no posts may be driven into the ground. All signs must be uniform in size and color and must make it easy for those traveling the Community visiting garage sales to locate the homes having the garage sales. Signs found not meeting the above criteria may be removed. Signs shall be removed within one day after the garage sale is finished and all remaining items disposed of or stored out of view.

3.33 Garbage Containers and Storage Areas

See Section 3.85, Trash Containers, Enclosures and Pickup.

3.34 Gardens – Flower or Vegetable

Approval is not required for flower or vegetable gardens that do not exceed two hundred (200) total square feet. All flower gardens must be weeded, cared for and maintained. Vegetable gardens shall be located in the rear or side yard.

3.35 Gazebos

Approval is required. A gazebo must be an integral part of the rear yard landscape plan and must be similar in material and design to the residence. The color must be generally accepted as a complementary color to the exterior of the residence.

3.36 Grading and Grade Changes

See Section 3.24, Drainage.

3.37 Greenhouses

Greenhouses are not allowed.

3.38 Hanging of Clothes

See Section 3.16, Clothes Lines and Hangers.

3.39 Hot Tubs and Jacuzzis

Approval is required. Hot tubs and Jacuzzis must be an integral part of the deck or patio area and of the rear 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 material screening.

3.40 Irrigation Systems

Mountain Sky has a non-potable irrigation water supply system that is separate from the potable domestic home supply system. The Owner must ensure that the irrigation installer hooks up the irrigation system to the non-potable system only. Cross connections to the potable system are not allowed, are a violation of Colorado law and may result in significant penalties from the Association. Otherwise approval is not required for underground automatic irrigation systems. Such systems may require approval through the Town and shall comply with any applicable Town codes.. All Units must have an underground automatic irrigation system installed with the landscape. All irrigation systems should be designed by a landscape architect, designer or irrigation specialist to

ensure water management and plant growth. The irrigation system must be designed so that water does not cross property lines and so the irrigation system is in complete compliance with the individual home's soil report recommendations, specifically with regard to the no-irrigation zone at the edge of the home's building foundation.

3.41 Kennels

Kennels or the breeding of animals is not allowed.

3.42 Landscaping

Approval is required. All Owners must comply with any applicable landscaping requirements of the Town and Mountain Sky PUD. Landscaping plans must be in accordance with the specifications shown in Schedule 2, and the approval of such plans shall be obtained prior to the installation of landscaping. 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.

The lot landscaping should be designed to create a coherent environment which complements the overall Community. Plant material should relate to the scale and character used in the Community landscape areas and to the lot improvements. Particular attention should be paid to the functional aspects of planting design. Consideration should be given to the use of plants for screening, space definition, erosion control, glare reduction, dust control, and aesthetics. The use of drought tolerant plants is encouraged. This means that in the landscaping of each Unit, plant materials, irrigation systems and maintenance practices should be utilized to conserve water, wherever possible. It should be noted that if Xeriscape landscaping is selected a more traditional "green" appearance can still be achieved. See Section 3.97, Xeriscape.

Landscaping must consist of trees, shrubs, ornamental grasses, ground covers, annual and perennial flowers, turf grasses, mulches and automatic irrigation.

In the case of shade or ornamental trees (deciduous), plantings may not be installed closer than six feet (6') from the property line.

In the case of evergreen trees (conifer), plantings may not be installed closer than ten feet (10') from the property line.

- A.** Thorny plants shall not be located within twenty (20) feet of sidewalks or walkways.
- B.** Planting beds must be separated from turf by edging.
- C.** Artificial Turf is not allowed.

- D. Landscaping in the Street/Tree lawn area shall require one tree in the front of the house and two trees on lots that abut a street on the side of the house. In all cases turf grass shall be installed as the standard to facilitate the egress by the passenger from vehicles parked in the street and to facilitate snow removal from the street. Plans utilizing xeriscape shall be limited to low profile plantings designed to allow vehicle passenger egress.

3.42.1 Landscape Installation Schedule

- A. Landscaping of all yards shall be completed within one year after closing on the home.
- B. The Owner shall install and thereafter maintain landscaping on their property, including the area between the sidewalk and curb of the street, also known as the Street/Tree lawn area.

3.42.2 Landscape Maintenance

Each Owner shall maintain all landscaping on such Owner's lot in a neat and attractive condition, including mowing, periodic and horticulturally correct pruning, removal of weeds and debris, and replacement of landscaping. This applies to the front, back, and side yards as well as the Street/Tree lawn area.

3.43 Latticework, Trellis, Arbors

Approval is required for any type of installation of latticework, trellis or arbor. Adequate framing is required. The inside height of a proposed arbor or trellis must not exceed eight (8) feet, six (6) inches. Considerations will include, but may not be limited to, height, color and material. Arbors must be complementary to the residence. Professionally prepared plans for arbors are highly encouraged to expedite the approval process, otherwise a photograph or catalog picture must be provided.

3.44 Lights and Lighting

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

Approval is required to modify or add exterior lighting.

Approval is required to install motion detector spotlights, 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 house, whereby the light cone stays within the property boundaries and the light source does not cause glare to other properties (bullet type light fixtures are recommended).
- C.** Ground lighting along walks must be maintained in a working and slightly 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 addition of a front yard light post will be allowed with approval, refer to Schedule 1 for additional guidelines.

Holiday lighting and decorations do not require approval. It is required that they not be installed more than thirty (30) days prior to the holiday. They shall be removed within thirty (30) days following the holiday. Clips used for holding holiday lighting cords may remain permanently affixed provided they blend in with the façade they are attached too.

3.45 Mailboxes

Individual mailboxes are not allowed.

3.46 Maintenance of Property

No Unit shall be permitted to fall into disrepair including, but not limited to, missing shingles, failure to maintain landscaping, worn and/or falling fencing and other damage to any privately owned site. All Units, including Improvements and landscaping thereon, shall be kept and maintained by the Owners thereof in a clean, safe, attractive and in good condition. No trash, litter, junk, boxes, containers, bottles, cans, furniture, implements or machinery shall be permitted to remain upon any Unit except as necessary during the period of construction. Lawns must be watered and maintained. Houses must be painted and repaired.

3.47 Motor Vehicles/Recreational Vehicles

All types of "Recreational Vehicles," including but not limited to trucks, trailers, mobile homes, detached camper units, utility and boat trailers, snowmobiles, race cars, watercraft or house trailers, are prohibited from parking anywhere within the Property unless they fit entirely within an enclosed garage, except for the "temporary expedient of unloading, delivery or emergency." Parking three (3) overnights or seventy two (72) hours during a seven (7) day period for loading and unloading is allowed. Parking of a recreational vehicle for a period of time in excess of seventy two (72) hours in a seven (7) day period is prohibited.

Periodic movement of the vehicle for purposes of circumventing this standard shall not qualify the vehicle for exception from this standard. Any "Recreational Vehicle," including but not limited to trucks, trailers, mobile homes, detached camper units, utility and boat trailers, snowmobiles, race cars, watercraft or house trailers shall not be parked, kept, stored or maintained on or adjacent to any open space area within the Property, except while temporarily engaged in loading or unloading of trucks or RVs not to exceed more than one (1) consecutive day. Vehicles in violation hereof may be subject to ticketing and/or towing at Owner's expense, as provided herein or by applicable law.

The purpose of the seventy two (72) hours is to load and unload, not to provide storage/parking for the unit. Recreational Vehicles must be stored/parked in the garage or off site.

Vehicles shall not be parked on landscaped (i.e., rock, sod, mulch, plants, etc.) areas. Inoperable, unused or unregistered vehicles (legally and/or mechanically) must be kept in the garage.

"Inoperable, unused or unregistered" shall also mean any automobile, truck, motorcycle, motorbike or recreational vehicle which has not been driven under its own propulsion or has not been moved outside of the Property for a period of two (2) weeks or longer. The foregoing restriction shall not include otherwise permitted vehicles parked by Owners while on vacation or during a period of illness.

3.48 Ornaments/Art - Landscape/Yard

See Section 3.78, Statues or Fountains.

3.49 Overhangs/Awnings- Cloth or Canvas

See Section 3.51, Patio Covers.

3.50 Painting

Approval is not required if color and/or color combinations are identical to the original manufacturer color established on the home and/or accessory improvement. Any changes to the color scheme must be submitted for approval and must conform to the general scheme of the Community.

- A.** Submit the Design Review Request Form with your color samples and a general description (or photographs) of the colors of the next two (2) houses on either side of your home.
- B.** Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.

- C. 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.
- D. Color selections may 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.
- E. 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.

3.51 Patio Covers

Approval 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.

3.52 Patios - Enclosed

See Section 3.03, Additions and Expansions.

3.53 Patios - Open

Approval is required. Open patios must be an integral part of the landscape plan. 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 twenty five (25) percent of the entire rear lot of the home unless otherwise approved by the ARC.

3.54 Paving

Approval is required, regardless of whether for walks, driveways, patio areas or other purposes, and regardless of whether concrete, asphalt, brick, flagstones, stepping stones, pre-cast patterned, or exposed aggregate concrete pavers are used as the paving material.

3.55 Pipes

See Section 3.88, Utility Equipment.

3.56 Play Structures and Sports Equipment

Approval is required for all permanent structures. A minimum five (5) foot setback from the property line, is required for trampolines, swing sets, fort structures, etc. 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. Height of any play structure or sports equipment may not exceed twelve (12) feet.

3.57 Playhouses

Approval is not required if a structure is less than thirty (30) square feet and less than six (6) feet high, from highest point to the ground. See Section 3.02, Accessory Buildings.

3.58 Poles

See Section 3.31, Flags/Flagpoles and Section 3.88, Utility Equipment.

3.59 Ponds and Water Features

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 (5) 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.
- E.** The maximum height of all fountain/pool elements and their spray is not allowed to be higher than four (4) feet from the ground plane.

3.60 Pools

Approval is required. Pools must be placed in the rear yard and be an integral part of the deck or patio area. They should be located in such a way that they are not immediately visible to adjacent property Owners (i.e. screened with plant material). Above ground pools are prohibited. One (1) wading pool, if less than eighteen (18) inches high and eight (8) feet in diameter and placed in the rear yard is permitted on a temporary basis without prior approval. See Section 3.39, Hot Tubs and Jacuzzis.

3.61 Radio Antennae

See Section 3.07, Antennae/Satellite Dishes.

3.62 Radon Mitigation Systems

Approval is not required AS LONG AS the equipment must be painted a color similar or generally accepted as complimentary to the exterior of the house. All equipment shall be installed so as to be screened from view..

3.63 Roofing Materials

Approval is required for all roofing materials other than those originally used by the builder. All buildings constructed on a Unit should be roofed with the same or greater quality and type as originally used by the builder.

Approval is not required for repairs to an existing roof with the same building material that exist on the building.

3.64 Rooftop Equipment

See 3.75, Solar Energy Devices.

3.65 Satellite Dishes

See Section 3.07, Antennae/Satellite Dishes.

3.66 Saunas

See Section 3.02, Accessory Buildings.

3.67 Screen Doors

See Section 3.23, Doors.

3.68 Seasonal Decorations

See Section 3.44, Lights and Lighting.

3.69 Sewage Disposal Systems/Septic Systems (Individual)

Individual sewage disposal systems/septic systems are not allowed.

3.70 Sheds

See Section 3.02, Accessory Buildings.

3.71 Shutters - Exterior

Approval is required. Shutters should be appropriate for the architectural style of the home and be of the appropriate proportion to the windows they frame. Shutters should be the same color as the “accent” color of the home (typically the same as the front door or other accent details).

3.72 Siding

Approval is required. Vinyl siding will not be allowed.

3.73 Signs

Approval is not required for one (1) temporary sign advertising property for sale or lease which is no more than three (3) feet in height and no more than two (2) feet wide, and which is conservative in color and style may be installed in the front yard or on the back yard fence of the Unit.

Approval is required for all other signs, including address numbers and nameplate signs must be approved. No lighted sign will be permitted unless utilized by the Developer and/or a Builder. One political sign per household may be placed in the front yard of the lot during elections. All political signs must be removed within 48 hours of said election. Signs in windows will not be allowed.

- A.** A temporary trade sign pertaining to, but not limited to, contractors, landscapers, painters and roofers, may only be displayed while work is in progress, or not to exceed two months, whichever is less. This signage must meet the above specifications.
- B.** No signs may be placed on Association property.

3.74 Skylights

Approval is required. Bubble type skylights are prohibited. Skylight glazing must be clear, solar bronze, or white.

3.75 Solar Energy Devices

Approval is required (excluding landscape lighting) 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.

3.76 Spas

See Section 3.39, Hot Tubs and Jacuzzis.

3.77 Sprinkler Systems

See Section 3.40, Irrigation Systems and Section 4.09, Irrigation.

3.78 Statues or Fountains

Approval is not required if statues or fountains are installed in the rear yard and are not greater than four (4) feet in height from the highest point, including any pedestal.

Approval is required if the statue or fountain is proposed for the front yard. Statue or fountain location in the front yard should be located close to the main entrance of the house.

3.79 Storage Sheds

See Section 3.02, Accessory Buildings.

3.80 Sunshades

See Section 3.51, Patio Covers.

3.81 Swamp Coolers

See Section 3.06, Air Conditioning Equipment.

3.82 Swing Sets

See Section 3.56, Play Structures and Sports Equipment.

3.83 Television Antennae

See Section 3.07, Antennae/Satellite Dishes.

3.84 Temporary Structures

Approval is not required. The Covenants state that no structure of a temporary character, including, but not limited to, a house trailer, tent, shack, storage shed, or outbuilding shall be placed or erected upon any lot. However, during the actual construction, alteration, repair or remodeling of a structure or other improvements, necessary temporary structures for storage of materials or waste may be erected and maintained by the person doing such work. The work of constructing, altering, or remodeling any structure or other

Improvements shall be diligently pursued from the commencement thereof until the completion.

3.85 Trash Containers, Enclosures, and Pick Up

Approval is required for any trash or garbage enclosure. Refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, or debris of any kind may not be kept, stored or allowed to accumulate on any lot except in sanitary containers or approved enclosures. No garbage or trash cans or receptacles shall be maintained in an exposed or unsightly manner. All garbage or trash cans or receptacles shall be stored out of site (except that a container for such materials may be placed outside at such times as may be necessary to permit garbage or trash pickup.) Trash containers may be placed on the street for pickup after 5:00 p.m. on the evening prior to the day that such trash is to be picked up. Trash containers must be properly stored the evening of pickup.

3.86 Tree Houses

Tree houses are not allowed.

3.87 Tree Lawn

All residence's landscape maintenance responsibility extends from the rear yard to the back of the concrete curbing at the street, even though the area between the walk and curb is within the street right-of-way. Therefore, Owners are responsible for the maintenance of the Street/Tree lawn area (the area between the sidewalk and street). Owners are not permitted to alter plant material installed by the Builder or Developer in Street/Tree lawn area, except to replace dead plant material with like material, or as otherwise approved in writing by the ARC. This includes no addition of shrubs, perennials, annual flowers, ground cover or hardscape materials within this Street/Tree Lawn Area other than for replacement of like material.

3.88 Utility Equipment

Approval is required for installation of utilities or utility equipment. Under the Covenants, pipes, wires, poles, utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure or conduit.

3.89 Vanes

See Section 3.93, Weather Vanes and Directionals.

3.90 Vents

See Section 3.64, Rooftop Equipment.

3.91 Walls

See Section 3.28, Fences.

3.92 Walls, Retaining

Approval is required. Front yard retaining walls shall not exceed thirty (30) inches in height. In the side yard, retaining walls up to thirty (30) inches high, with a planted slope above the wall, may be constructed with approval of the adjoining lot Owner, if appropriate, and approval of the ARC. In no event shall rear yard retaining walls exceed four (4) feet in height unless installed by the Builder or Developer. All retaining walls shall comply with applicable Town requirements and not materially alter the drainage patterns on the lot or adjacent properties. Retaining walls shall be constructed with boulders, stone, brick or split face modular concrete block facing units and installed per manufacturer instructions.

New or old creosote treated timber railroad ties are prohibited.

3.93 Weather Vanes and Directionals

Approval is required.

3.94 Wind Electric Generators

Approval is required. In addition to ARC approval, windmills and any other type of fixture, which fall under the criteria of a wind generator, or are used to generate power etc., must meet the requirement of the C.R.S. 40-2-124 and any regulations of the Colorado Public Utilities Commission.

3.95 Windows Replacement

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

3.96 Windows: Tinting, Security Bars, Well Covers, etc.

Approval is not required for window well covers that are manufactured with metal or plexiglass. All others will require ARC approval.

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.

3.97 Work Involving Association Property

Approval is required. Generally, driving vehicles including wheelbarrows across Association property is not permitted. However, when circumstances warrant, the Board of Directors will consider requests provided that prior approval is requested and the Owner advances funds as may be reasonably required by the Board of Directors to repair any damage. The actual restoration of the Association property will be done by the Association.

3.98 Xeriscape

Approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, the design must be approved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch will be allowed in place of green, growing plant material. A landscape that contains less than forty five (45) percent sod in the front and/or rear yards, or side yards wider than fifteen (15) feet shall be considered xeriscape.

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SCHEDULE 1 - FRONT YARD LIGHT POST GUIDELINES

1. Prior written approval is required for exterior lighting.
2. Exterior lights must be conservative in design and be as small in size as is reasonably practical.
3. Exterior lighting should be directed toward the ground and be of low voltage to minimize glare onto neighboring properties and the street.
4. Soft, outdoor pedestrian-oriented lighting should be used of wooden standards with dark colored lighting fixtures so as to be less obtrusive.
5. The light post should match or complement the architecture of the home in design, size, color, and finish along with any existing light fixtures.
6. 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.
7. Light or lamp posts shall not be erected higher than 6' feet from ground level, unless approved by the ARC.
8. All lighting should not be intrusive to neighboring properties and must meet all Town requirements.

SCHEDULE 2 - LANDSCAPE DETAIL

To maintain the integrity and aesthetics of the Community, the following landscape standards have been adopted. The lot landscaping should be designed to create a coherent environment which complements the overall Community. Plant material should relate to the scale and character used in the Community landscape areas and to the lot improvements. Particular attention should be paid to the functional aspects of planting design. Consideration should be given to the use of plants for screening, space definition, erosion control, glare reduction, dust control, and aesthetics.

PLANT MATERIAL

Landscaping shall consist of trees, shrubs, ground covers, annual and perennial flowers, turf grasses, mulches and automatic irrigation. In the case of shade or ornamental trees (deciduous), plantings may not be installed closer than 6 feet (6') from the property line. In the case of evergreen trees (conifer), plantings may not be installed closer than 10 feet (10') from the property line. Select a variety of plant species including deciduous and evergreen trees and shrubs. Owners will be required to choose plant material from the approved plant palette. Additional appurtenances, landscape elements, and decorative entry features may be allowed and will be reviewed on a case by case basis.

All plant material shall be installed in the following minimum sizes:

- Deciduous trees - 2.5" caliper
- Ornamental trees - 2" caliper
- Evergreen trees - 6' height minimum
- Shrubs - 5 gallon container (Ornamental grasses (1 gallon) may be substituted for shrubs at a ratio of 3:1)
- Mulch – 1 cubic yard per 80 sq. feet and at a 4" depth
- Rock or Stone Mulch – 3/4" minimum to cobble size, minimum 3" depth Groundcover (excluding mulch), annuals, and perennials - no restrictions

*Thorny plants shall not be located within 20 feet of sidewalks or walkways.

*Planting beds must be separated from turf by edging.

PLANT LOCATION

FRONT YARD

The area from the back of the sidewalk to the front of the building and side yard wing walls is defined as the Front Yard.

SIDE YARD

The side yard is the portion of the lot between the building, side property line, rear of building and behind the front fence wing walls.

REAR YARD

The rear yard is that portion of the lot between the rear property line and the rear of the building.

STANDARD OPTION

FRONT YARD

Turf Requirement:

- Small (<6,000 sq. ft.) – 40% min / 50% max
- Standard (6,000-8,999 sq. ft.) – 30% min / 40% max
- Large (9,000-14,999 sq. ft.) 25% min / 40% max
- Estate/Custom (15,000 sq. ft. and greater) – 25% min / 40% max

Artificial Turf is not allowed.

Plant Material Requirement:

- Small (<6,000 sq. ft.) – 8 Shrubs, 2 Deciduous Trees
- Standard (6,000-8,999 sq. ft.) – 16 Shrubs, 2 Deciduous Trees, 1 Evergreen Tree or 1 Ornamental Tree
- Large (9,000-14,999 sq. ft.) – 26 Shrubs, 2 Deciduous Trees, 1 Evergreen Tree or 2 Ornamental Trees
- Estate/Custom (15,000 sq. ft. and greater) – 36 Shrubs, 4 Deciduous Trees, 2 Evergreen Trees, 2 Ornamental Trees
- Lots in the eastern portion of the Community are required to have one tree in the Street/Tree lawn area.

SIDE YARD

Internal Side Yards: May be covered in rock, no plant material is required but mulches are needed for stability.

External Side Yards: On corner lots exposed to public view, they shall be landscaped with turf, shrubs and trees at the rate of one tree and 10 shrubs per 40 linear feet of side yard. Lots in the eastern portion of the Community are required to have two trees in the Street/Tree lawn area.

REAR YARD

In rear yards there shall be at least 50% bed coverage in any rock/mulch areas that exist from the back corners of the home out to the back yard fence and/or property line. Bed coverage can be a mix of trees/shrubs/ornamental grasses/perennials/etc. Owners can decide what type of bed coverage they want to install.

Natural turf shall be limited to no more than 45% of the area to be landscaped.

Artificial turf is allowed in the rear yard.

IRRIGATION

All landscaping shall include automatic irrigation.

XERIC OPTION

FRONT YARD

The xeric option may require review by the Town, planning department.

Turf Requirement: No turf is required.

Rock and Inorganic Mulches: Limited to not more than 50% of the area to be landscaped. 50% of all rock and other mulch areas shall be covered with living plant material.

Brick Pavers, Asphalt Pavers, and Natural Stone: Limited to not more than 40% of the landscaped area.

Features: One of the following features shall be incorporated:

- Wall – 1 to 2.5 feet high decorative natural stone, stucco or approved CMU.
- Berms – low earth berm 2.5 feet tall max, slopes not to exceed one foot rise for each 4 feet of run.
- Natural Boulders – 2 – two feet by three feet minimum.
- Lots in the eastern portion of the Community are required to have one tree in the Street/Tree lawn area.

SIDE YARD

Internal Side Yards: May be covered in rock, no plant material is required but mulches are needed for stability.

External Side Yards: On corner lots exposed to public view, they shall be landscaped by combining visible side and front yard areas and applying front yard standards. Lots in the

eastern portion of the Community are required to have two trees in the Street/Tree lawn area.

REAR YARD

Turf or xeric landscaping is not required except when the rear yard at a corner lot is exposed to public view, then it shall be landscaped with turf or xeric landscaping.

In rear yards there shall be 50% bed coverage in any rock/mulch areas that exist from the back corners of the home out to the back yard fence and/or property line. Bed coverage can be a mix of trees/shrubs/ornamental grasses/perennials/etc. Owners can decide what type of bed coverage they want to install.

Natural turf shall be limited to no more than 45% of the area to be landscaped. Artificial turf is allowed in the rear yard.

IRRIGATION

All landscaping shall include automatic irrigation.

_____ - 50% Bed Coverage Calculations

“X” = total square footage of rock and wood mulch area (Example 2,200 sf.) “X” times 50% = “Y” (2,200 times 50% = 1,100)

“Y” minus 100 sf. for each evergreen tree located in the shrub bed area = “Z” (2 evergreen trees, 1,100 minus 200 = 900)

“Z” divided by 16 sf = the total number of shrubs needed to meet the 50% bed coverage requirement. (900 divided by 16 = 56 shrubs required)

Shrubs = 5 gal containers minimum

Three 1 gal ornamental or perennial containers = 1 shrub