

**RESOLUTION OF THE  
BOARD OF DIRECTORS OF  
BERKLEY SHORES METROPOLITAN DISTRICT**

**A RESOLUTION ADOPTING AMENDED RULES AND REGULATIONS OF  
BERKLEY SHORES**

At a regular meeting of the Board of Directors of the Berkley Shores Metropolitan District, Adams County, Colorado, held at 10:00 A.M., on Monday, November 6, 2023 online meeting at <https://us02web.zoom.us/j/86267550643?pwd=V3RnRGRtWkRyUIZZc1VMWTJFZjFHdz09> and via telephone at (719) 359-4580, Meeting ID: 862 6755 0643, Password: 987572, at which a quorum was present, the following resolution was adopted:

**WHEREAS**, the Berkley Shores Metropolitan District (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado located in the County of Adams, Colorado; and

**WHEREAS**, the District operates pursuant to its Service Plan approved by the Board of County Commissioners of the County of Adams, Colorado on August 20, 2019, as the same may be amended and/or modified from time to time (the "Service Plan"); and

**WHEREAS**, pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power "to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district; and

**WHEREAS**, HDC 6300 Lowell Boulevard, LLLP, a Colorado limited liability partnership (the "Developer") has caused to be recorded the Declaration of Covenants, Conditions and Restrictions for Berkley Shores, recorded on September 16, 2020, at Reception No. 2020000092376 of the County of Adams, Colorado, real property records, as the same may be amended and/or modified from time to time (the "Covenants") applicable to the real property within the District (the "Property"); and

**WHEREAS**, pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District's Service Plan, a metropolitan district may provide covenant enforcement within the District if the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement and design review entity; and

**WHEREAS**, the Covenants provide that it is the intention of the Developer to empower the District to provide covenant enforcement services to the Property; and

**WHEREAS**, pursuant to the Covenants, the District may promulgate, adopt, enact, modify, amend, and repeal rules and regulations concerning and governing the Property and the enforcement of the Covenants; and

**WHEREAS**, pursuant to Resolution 2020-08-03 dated August 11, 2020, the Rules and Regulations of Berkley Shores were adopted (the “Original Rules and Regulations”); and

**WHEREAS**, the Original Rules and Regulations were amended and restated pursuant to that certain Resolution Adopting Amended Rules and Regulations of Berkley Shores dated November 1, 2021 (the “Amended Rules and Regulations”); and

**WHEREAS**, due to recent legislative changes, the District has determined it is necessary to adopt further revisions to the Amended Rules and Regulations to provide for the efficient operation, governance, and management of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BERKLEY SHORES METROPOLITAN DISTRICT:

1. Adoption by the Board. The Board of Directors of the District hereby adopts the revised Rules and Regulations of Berkley Shores Amended 11-06-2023 as described in Exhibit A (the “Revised Rules and Regulations”), attached hereto and incorporated herein by this reference.

2. Superseding Effect. The Revised Rules and Regulations supersede in full the Original Rules and Regulations, the Amended Rules and Regulations, and any other rules or regulations on the same subject matter.

3. Binding Effect. The Revised Rules and Regulations are effective as of the date of this Resolution and shall hereinafter be binding upon the Property encumbered by the Covenants.

**[Remainder of page intentionally left blank.]**

Whereupon, a motion was made and seconded, and upon a majority vote, this Resolution was approved by the Board.

**ADOPTED AND APPROVED THIS 6<sup>th</sup> DAY OF NOVEMBER 2023.**

**BERKLEY SHORES METROPOLITAN  
DISTRICT**



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Paul Malone, President

ATTEST:



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Peggy Ripko, Secretary

EXHIBIT A

RULES AND REGULATIONS OF BERKLEY SHORES  
AMENDED 11-06-2023

RULES AND REGULATIONS  
OF  
BERKLEY SHORES

Amended 11-06-2023

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**1. INTRODUCTION**

**1.1 Basis for Rules and Regulations**

These Rules and Regulations (the "Rules") are intended to assist Owners living in the Berkley Shores Community (the "Community"). Pursuant to the Declaration of Covenants, Conditions and Restrictions of Berkley Shores (the "Declaration"), recorded at Reception No. 2020000092376, the Berkley Shores Metropolitan District (the "District") is authorized to adopt rules and regulations for the Community.

**1.2 Definitions**

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

**1.3 Contents of Rules**

In addition to the introductory material, these Rules 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 three (3) or more 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
<u>Peggy Ripko</u> <u>Special District</u> <u>Management Services</u>	<u>(303) 987-</u> <u>0835</u>	<u>(303) 987-</u> <u>2032</u>	<u>pripko@sdmsi.com</u>

**1.6 Effect of Declaration**

The Declaration governs the Community. Each Owner should review and become familiar with the Declaration. Nothing in these Rules supersedes or alters the provisions or requirements of the Declaration and, if there is any conflict or inconsistency, the Declaration will control.

## **1.7 Effect of Governmental and Other Regulations**

Use of property within the Community and any Improvements must comply with any applicable building codes and other governmental requirements and regulations. Owners are encouraged to contact Adams County ("County") and the Crestview Water and Sanitation District ("Crestview") 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 Water and Sanitary Sewer Service**

Water and sanitary sewer service to the Community is provided by the Crestview Water and Sanitation District, which is a Colorado public body. Crestview sets the rates for water and sanitary sewer service. The District does not provide water and/or sanitary sewer service and is not responsible for the quality and quantity of water provided.

## **1.9 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**

## **1.10 Goal of Rules**

Compliance with these Rules and the provisions of the Declaration 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 Rules 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 Rules 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 Rules, the ARC's interpretation shall be final and binding.

## **2. PROCEDURES FOR ARC APPROVAL**

### **2.1 General**

The procedures set forth in this Article 2 are intended to clarify the terms, provisions and requirements of Article 4 of the Declaration. In the event of any conflict between these Rules and the Declaration, the terms of Article 4 in the Declaration shall control. As indicated in Section 3 of these Rules, there are some cases in which advance written approval of the ARC is not required if the Rules 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 completed Architectural Review Request Form ("ARR"), which forms are available from the person or entity listed in Section 1,5, the current version of which is attached as Appendix A, and complete plans and specifications, in duplicate, (said plans and specifications 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 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: replacement of front steps.

- 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 email address and telephone number where the Owner can be reached.
- D. Additions to and expansions of homes are not permitted. Improvements that may be approved generally are limited to new roofing, exterior painting, and replacement of windows and doors.
- E. The proposed Improvements must take into consideration the easements, building location restrictions and sight distance limitations at intersections,
- F. Owners should be aware that many Improvements require a permit from the County, the City or other governmental entity. The ARC reserves the right to require a copy of such permit as a condition of its approval.
- G. In some instances, elevation drawings of the proposed Improvement will be required. The elevation drawings should indicate materials.
- H. 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 drawings or plans (minimum acceptable size 8.5" x 11) must be submitted to the ARC along with a completed ARR; the drawings or plans may be submitted electronically. 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. 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 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 denied by the ARC, except in the case of a request for architectural approval of renewable energy devices which are deemed approved if not denied or returned for modifications within sixty (60) days.

## **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 one year from the date of the approval or such other date as may be set forth in the approval or as set forth in the Declaration (the "Completion Deadline"), 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 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 Section 2.

## **2.8 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, subject to any

extensions of time granted pursuant to Section 2.6 hereof, then the ARC shall notify the District, and the District 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, shall state that the applicant is required to remedy or remove the non-compliance within not more than forty-five (45) days, and that if the noncompliance is not remedied or removed, that the District may impose fines upon the applicant as provided in Section 2.9. Proof of delivery of the Notice of Non-Compliance shall be placed in the records of the Board. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or agent who gave such notice. Alternatively, such proof may consist of a receipt for mailing by registered or certified mail or receipt by a reputable overnight courier (such as, for example, FedEx) or electronic evidence that such notice was received by the addressee's electronic device. The notice requirement shall be deemed satisfied if the applicant files a response. The applicant shall respond to the Notice of Non-Compliance within ten (10) days after it receives the notice, regardless of whether the applicant is challenging the finding of non-compliance. The applicant may request a hearing before the Board by including the request for a hearing in or with such Owner's response to the Notice of Non-Compliance. If a hearing is timely requested, the hearing shall be held before the Board. At the hearing, the applicant shall be afforded a reasonable opportunity to be heard. The Board may adopt rules for the conduct of such hearings that may include, without limitation, rules that govern the presentation of evidence and witnesses and the ability of an applicant to question adverse witnesses. The minutes of the hearing, shall contain a written statement of the results of the hearing.

## **2.9 Correction of Non-Compliance**

If the ARC determines that non-compliance exists, the Person responsible for such noncompliance 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 Notice of Non-Compliance within such period, the ARC shall notify the District, and the District may, at its option and if allowed by applicable law, record a notice against the Lot on which the non-compliance exists, may impose fines in the amount of \$15.00 for each day for the first thirty (30) days such non-compliance exists, and thereafter may impose fines in the amount of \$30.00 for each day such noncompliance exists, penalties and interest, may remove the non-complying Improvement, or may otherwise remedy the non-compliance in accordance with the Declaration and applicable law. The Person 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.

## **2.10 Amendment**

These Rules may at any time, from time to time, be added to, deleted from, repealed, amended, and modified, reenacted, or otherwise changed by the District, by majority vote or written approval of the members of the Board, with the approval of the Person authorized to appoint the Board, as changing conditions and/or priorities dictate.

## **2.11 Questions**

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

## **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 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 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 Rules is at the sole discretion of the ARC when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require. The granting of a variance shall not operate to waive any of the provisions of this Declaration for any purpose except as to the particular property and particular provision hereof covered by the variance, nor shall the granting of any variance require the ARC to grant a variance in any similar or different circumstances.

#### **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.



### **3.1.3 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.

### **3.1.4 Liability**

The District, the Board and 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**

Accessory buildings are not permitted. That includes, without limitation, storage sheds, gazebos, playhouses and play structures.

## **3.3 Additions and Expansions**

Addition to or expansion of any home is not permitted.

## **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.

## **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. Replacement with different equipment requires approval.

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.

### **3.6 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 the structure of the house, not visible from the street
  - (2) Rear yard or side yard, mounted on the house, in the least visible location below roofline
  - (3) Back rooftop
  - (4) Any other location approved by the ARC.
  
- B.** If more than one (1) 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 property.

- D. Permitted Antennas may not be installed on balconies.

### **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**

Awnings, including, without limitation, cloth or canvas overhangs, and sunshades, whether attached to a residence or free-standing (arbors, etc.), are not permitted.

### **3.8 Balconies and Decks**

Balconies and Decks are not permitted, except for reconstruction of a balcony or deck constructed by a builder as part of the original construction of the home. Reconstruction requires approval of the ARC.

### **3.9 Barbecue/Gas Grills**

Approval is not required. Only gas-fired barbecue grills are permitted; charcoal grills are not permitted. All barbecue grills, smokers, etc. must be stored in the Owner's garage or on a rear balcony or in a rear yard.

### **3.10 Basketball Backboards**

Not permitted, whether portable or affixed.

### **3.11 Birdbaths**

Approval is not required, subject to the following limitations. Placement in front or side yard is not allowed. Birdbaths are only permitted in the rear yard.

See Section 3.52, Statues or Fountains.

### **3.12 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 bird feeder shall be installed on any Lot. Birdhouses or bird feeders may be mounted on a pole, provided the pole shall not exceed five (5) feet in height.

### **3.13 Clothes Lines and Hangers**

Exterior clotheslines and hangers are not permitted.

### **3.14 Decks**

See Section 3.8, Balconies and Decks.

### **3.15 Dog Houses**

Approval is required. Dog houses are restricted to six (6) square feet and must be located in a fenced back yard. 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 Lot. Dog runs are not permitted.

### **3.16 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 required.
- B. Security Doors and Windows. All security or security-type doors and windows must be approved prior to installation.

### **3.17 Drainage**

The Declaration requires that there be no interference with the established drainage pattern over any property. The established drainage pattern means the drainage pattern which exists at the time final grading of a Lot by the Declarant or a Builder is completed. It is very important to ensure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or against the house foundation, walkways, sidewalks, and driveways into the street. Therefore, changes to landscaping are not permitted. The ARC may require a report from a drainage engineer as part of improvement plan approval, Landscaping and 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 District lands, sidewalks and streets, will not be tolerated. Potted plants are permitted in containers not exceeding 18 inches in diameter.

### **3.18 Evaporative Coolers**

Approval is required. No rooftop or window mount installations are allowed.

See Section 3.5, Air Conditioning Equipment.

### **3.19 Exterior Lighting**

See Section 3.29, Lights and Lighting.

### **3.20 Fences**

Fences will be constructed by the Developer or Builder. Perimeter fences and fences between Lots may not be removed, replaced, painted a different color or altered by any Owner. Adding a gate to a fence requires the approval of the ARC. Fences are owned and maintained by the District. Owners with pets may install 4 inch x 2 inch weld wire mesh on front and/or rear yard fences only with the approval of the ARC; if approved, the wire mesh must be on the inside of the fence.

### **3.21 Fire Pits**

Fire pits are not permitted.

### **3.22 Firewood Storage**

Storage of firewood is not permitted.

### **3.23 Flags/Flagpoles**

The installation of flag poles shall be submitted to ARC review and approval. Flagpoles must be no higher than 20 feet from the ground when affixed to the ground

and are limited to not more than 1 flagpole per residence. An Owner or resident may also display a flag on the inside of a window, on a balcony adjoining the home, or door of the home.

### **3.24 Gardens — Flower or Vegetable**

Flower and vegetable gardens are not permitted for single-family homes that share one or more walls with another unit. Potted plants are allowed in containers not exceeding 18 inches in diameter (for round containers) or which do not exceed more than 12 inches in length on any side (for square and rectangular containers).

### **3.25 Grading and Grade Changes**

See Section 3.17, Drainage.

### **3.26 Hanging of Clothes**

See Section 3.13, Clothes Lines and Hangers.

### **3.27 Kennels**

Approval will not be granted. Breeding or maintaining animals for a commercial purpose is prohibited.

### **3.28 Landscaping**

Changes to landscaping are not permitted, except that use of nonvegetative turf grass in the backyard of a residential property is permitted. However, replacement of dead or dying landscaping with like materials (or as close as possible) is permitted.

### **3.29 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 motion detector spotlights, spotlights, floodlights or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.). Considerations will include, but may not be limited to, the visibility, style and location of the fixture.

- A. 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).

- B. 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.
- C. Holiday lighting and decorations do not require approval. It is required that they not be installed more than forty-five (45) days prior to the holiday. They shall be removed within thirty (30) days following the holiday.

### **3.30 Mailboxes**

Communal mailboxes are owned and maintained by the District. Changes by Owners are not permitted. Postings of notices, posters, lost pet rewards and other materials on communal mailboxes is not permitted.

### **3.31 Ornaments/Art - Landscape/Yard**

Approval is not required for yard ornaments which are installed in the rear yard and which are of a height less than three (3) feet.

Up to three (3) small (less than 12 inches in height) front yard ornaments may be installed in the front yard without approval, as long as the ornament is installed at ground level and the color and design integrate into the landscape. Approval is required for any other yard ornaments.

See Section 3.52, Statues or Fountains.

### **3.32 Painting**

Approval is required. The ARC generally will approve repainting if it is satisfied that 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.

### **3.33 Patios - Enclosed**

See Section 3.3, Additions and Expansions.

### **3.34 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.

### **3.35 Pipes**

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

### **3.36 Play Structures and Sports Equipment**

Play structures and sports equipment (trampolines, swing sets, fort structures, etc.) are not permitted.

### **3.37 Playhouses**

Playhouse are not permitted.

### **3.38 Poles**

See Section 3.23, Flags/Flagpoles.

### **3.39 Ponds and Water Features**

Ponds and water features are not permitted.

### **3.40 Radio Antennae**

See Section 3.6, Antennae/Satellite Dishes.

### **3.41 Radon Mitigation Systems**

Approval is not required for equipment that complies with this Rule. 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 minimize its visibility.

### **3.42 Roofing Materials**

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

### **3.43 Rooftop Equipment**

Approval is required. Equipment must be painted a color similar or generally accepted as complimentary to the roofing material of the house. All rooftop equipment shall be installed so as to minimize its visibility. See Section 3.51 Solar Energy Devices.



#### **3.44 Satellite Dishes**

See Section 3.6, Antennae/Satellite Dishes.

#### **3.45 Screen Doors**

Screen doors require approval. See Section 3.16, Doors.

#### **3.46 Seasonal Decorations**

Approval is not required if installed on a lot within forty-five (45) days of a holiday, provided that an Owner is keeping with the Community standards, and provided that the decorations are removed within thirty (30) days of the holiday.

See Section 3.29, Lights and Lighting.

#### **3.47 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 house 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.

#### **3.48 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).

#### **3.49 Siding**

Approval is required.

#### **3.50 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 by more than ten percent (10%) or decrease the efficiency of the proposed device and panels by more than ten percent (10%). Please also see Colorado statute, C.R.S. Section 38-30-168, which governs the review and the Owner's installation of such devices.

### **3.51 Statues or Fountains**

Approval is not required if statues or fountains are installed in the rear yard and are not greater than three (3) 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.

See Section 3.11, Birdbaths and Section 3.31, Ornaments/Art — Landscape/Yard

### **3.52 Storage Sheds**

See Section 3.2, Accessory Buildings.

### **3.53 Swamp Coolers**

See Section 3.5, Air Conditioning Equipment, Section 3.18, Evaporative Coolers, and Section 3.43, Rooftop Equipment.

### **3.54 Television Antennae**

See Section 3.6, Antennae/Satellite Dishes.

### **3.55 Tree Houses**

Approval will not be granted. Tree houses are not permitted.

### **3.56 Vanes**

See Section 3.61, Weather Vanes and Directionals.

### **3.57 Vents**

See Section 3.43, Rooftop Equipment.

### **3.58 Walls**

See Section 3.20, Fences and Section 3.60, Walls, Retaining.

### **3.59 Walls, Retaining**

New retaining walls are not permitted. Retaining walls installed by the Declarant will be maintained by the District.

### **3.60 Weather Vanes and Directionals**

Approval is required.

### **3.61 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 Colorado statute Section 540-2-124, C.R.S. and any applicable regulations of the Colorado Public Utilities Commission.

### **3.62 Windows Replacement**

Approval is required, except that no approval is required for replacement of a window with a window of the same material, size, color and style. Considerations will include, but may not be limited to, size, color, existing and proposed window style and style of home.

### **3.63 Windows: Tinting, Security Bars, etc.**

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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