

SWTMD

ARCHITECTURAL GUIDELINES

The Ridge Lots

Architectural Guidelines are subject to change and may vary in different Phases/Filing's of the Districts.



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ARTICLE 1. INTRODUCTION

Section 1.1 Adoptions of Guidelines. These design guidelines (“Guidelines”) have been taken from, and adopted pursuant to, the Declaration of Covenants, Conditions, Restrictions and Easements for Timnath Southwest Subdivision (the “Declaration”). These Guidelines have been promulgated and adopted by the governing board (“Governing Board”) of the Southwest Timnath Metropolitan District No. 1 (the “Metropolitan District”) pursuant to Sections 2.1 and 6.3 of the Declaration.

Section 1.2 Application. These Guidelines shall apply to Improvements constructed, erected, placed or altered within Filing 2 of the Timnath Southwest Metro Districts. Certain provisions of these Guidelines may be different from design guidelines for other phases within the Development. In the event of any actual or apparent conflict between these Guidelines and the design guidelines for other phases within the Development, these Guidelines shall prevail as to Improvements within Filing 2.

Section 1.3 Definitions. Unless the context clearly indicates otherwise, capitalized terms used in these Guidelines shall have the meaning given to such terms in the Declaration.

Section 1.4 Appointment of Members to ACC. The members of the Architectural Control Committee (“ACC”), as defined in the Declaration, are appointed by, and serve at the pleasure of, the Governing Board.

Section 1.5 Design Standards. The Declaration requires prior approval by the ACC or its designated representative before any Improvement is constructed, erected, placed, or altered. These Guidelines establish certain acceptable designs for different types of proposed Improvements. These Guidelines are intended to assist the Owners. Prior to installation or commencement of construction, all proposed Improvements (except those constructed by the Declarant) must be submitted to the ACC for review and approval.

Section 1.6 Contents of Guidelines. In addition to the introductory material, these Guidelines contain:

- 1.6.1 A list of specific types of proposed Improvements which Owners might wish to make, with specific information as to each of these types of proposed Improvements;
- 1.6.2 A summary of procedures for obtaining approval from the ACC;
- 1.6.3 A summary of construction and builder regulations;
- 1.6.4 An addendum showing approved design for fences; and

Section 1.7 Effect of Declaration. Each Owner shall receive and should become familiar with the Declaration. These Guidelines are supplementary to all of the terms and provisions of the Declaration. Nothing in these Guidelines shall supersede or alter the provisions or requirements of the Declaration. In the event of any actual or apparent conflict between these Guidelines and the Declaration, the Declaration shall prevail.

Section 1.8 Interference with Utilities. In making proposed Improvements, Owners are responsible for locating all water, sewer, gas, electric, telephone, cable television, irrigation lines, and other utility lines and easements. Owners should not make any proposed Improvements over such easements without the consent of the utility involved, and Owners will be responsible for any damage to utility lines. Underground utility lines and easements can usually be located by

contacting the Utility Notification Center of Colorado at 1-800-922-1987 or 811 and/or go on line www.uncc.2.org.

Section 1.9 Goal of Guidelines. Compliance with these Guidelines and the provisions of the Declaration will help preserve the inherent architectural and aesthetic quality of Filing 2. Varied architectural styles of residences within "The Summerfield Estes" are encouraged, including, but not limited to, craftsman, prairie, Tuscan, and Colorado craftsman styles. No geodesic domes, A-Frames, or Victorian style residences. Residences shall have consistent design elements, consistent use of materials, and architectural appeal on all four (4) sides. It is important that the proposed new home or any improvements be made in harmony with, and not detrimental to, the rest of Filing 2. A spirit of cooperation with the ACC and neighbors will go far in creating an optimum environment which will benefit the Builders and Homeowners. By following these Guidelines and obtaining approvals for proposed new home or any improvements from the ACC, Builders and Homeowners will be protecting their financial investment and will help to promote proposed new homes and any improvements that are compatible with the other homes and/or any improvements within "The Summerfield Estes".

Section 1.10 Interpretations of Guidelines. The ACC and the Governing Board shall interpret these Guidelines.

Section 1.11 Advising of Neighbors. It is suggested that Owners advise neighbors prior to submitting forms for proposed Improvements. The ACC may request adjacent neighbor input.

ARTICLE 2. SPECIFIC TYPES OF IMPROVEMENTS

Section 2.1 GENERAL: Following is a listing, in alphabetical order, of specific types of Improvements which the Owners typically consider installing, with pertinent information as to each. Unless otherwise specifically stated, drawings and plans for proposed Improvements must be submitted to the ACC and the written approval of the ACC obtained before the Improvement is made. Any Improvement not specifically listed herein requires review and written approval of the ACC. Drawings or plans shall include dimensions, setbacks, roof slopes, types of materials and both elevation and plan views of all proposed expansions or additions. Applications for paint change must be accompanied by samples or chips of the colors to be approved, along with a written description of color schemes of adjacent homes. The ACC may obtain input from the Governing Board on any request for approvals.

Section 2.2 ADDITIONS AND EXPANSIONS: ACC approval is required. Additions or expansions to the residence will require submission of detailed plans and specifications, including description of materials to be used, and plan and elevation drawings showing dimensions, setbacks, roof slopes, etc. Additions and expansions must be of the same architectural style and color as that of the residence. All work is subject to obtaining required permits from the Town of Timnath.

Section 2.3 ADDRESS NUMBERS: ACC approval is required to change or relocate the existing address numbers originally installed by the builder. Which shall be consistent throughout Filing 2.

Section 2.4 ADVERTISING: See Signs.

Section 2.5 AIR CONDITIONING EQUIPMENT: No types of refrigerating, cooling or heating apparatus shall be permitted on a roof. Further, no such apparatus shall be permitted elsewhere except when appropriately screened from view of adjacent property owners and approved by the ACC. Such apparatus should be installed in a way that any noise heard from adjacent properties

is minimized. Without limiting the foregoing, conventional air conditioning units located on the ground of a Lot are permissible when approved by the ACC in accordance with the preceding sentence.

Section 2.6 ANIMALS: The owner or his or her representative of each lot may keep a **reasonable number (3 or less)** of bona fide household pets including dogs, cats, some reptiles or other domestic animals sold in pet stores. Livestock, poultry, some reptiles or insects of any kind shall not be raised, bred, kept or boarded in or on the Property; a bona fide pet does not include domesticated animals, livestock, such as chickens, turkeys, goats, cows, horses or any wild animals. No pets are to be kept for any commercial purpose and are not kept in such number or in such manner as to create a nuisance to any resident of nearby properties.

2.6.1 Animal Waste: The Owner or his or her representative shall be responsible for collecting and properly disposing of any animal waste and dispose of properly (use dog stations on site). The Town does have a code on this and if you see or have an issue call Town code enforcement who may direct you to call Larimer County Animal Control. No Owner or his or her representative of a dog may permit it to leave feces or upset garbage on public property or the private property of another. The Owner or his or her representative should be considerate of dogs urinating on private property.

2.6.2 Barking/Nuisance: The Owner or his or her representative shall be responsible for animal nuisance/barking. Animal nuisance/barking must be controlled. If you have these issues contact the call Town code enforcement who may direct you to call Larimer County Animal Control. It is unlawful for any person owning or keeping and to fail to prevent such animal from disturbing the peace of any other person by loud, persistent, and habitual barking, howling, yelping, mewing, or making any loud, persistent and habitual noise whether the animal is on or off the owner's premises.

2.6.3 Breeding/Ownership: The ACC has the right and authority to determine in its sole discretion that dogs, cats or other household pets are being kept for commercial purposes or are being kept in such number or in such manner as to be unreasonable or to create a nuisance. Or that an Owner or resident is in violation of the applicable jurisdiction or other applicable governmental laws, ordinances, or other provisions related to household pets; or that an Owner or resident is otherwise in violation of the provisions of this Section. In any such case, the ACC may take such action(s) as it may deem appropriate.

2.6.4 Livestock: No livestock, poultry, some reptiles or insects of any kind shall be raised, bred, kept or boarded in or on the Property; a bona fide pet does not include domesticated animals, livestock, such as chickens, turkeys, goats, cows, horses or any wild animals. No livestock or insects are to be kept in or on the lot.

2.6.5 Pet Leased: All household pets shall be controlled by their Owner and shall not be allowed off the Owner's Lot except when properly leashed and accompanied by the Owner or his or her representative. Proper control of your dog means to simultaneously monitor, direct and restrict a dog's movement and activities in a humane manner. If you see loose animals or have issues with an animal you should call Town code enforcement who may direct you to call Larimer County Animal Control.

2.6.6 Registered Animals: All pets should be registered with the Town and or County. The owner of all dogs kept within the Town shall secure and maintain a current County Dog

License for each dog over 4 months old. All Town and or County ordinance should be followed and any Town or County ordinance supersedes these guidelines.

2.6.7 Responsibility of Owners: An Owner's right to keep household pets shall be coupled with the responsibility to follow all Town, County and State codes and or ordinances. To pay for any damage caused by such pets, as well as any costs incurred as a result of such pets. Any issue/damages with an animal would be between you and the animal owner.

Section 2.7 ANTENNAS: Except as may otherwise be permitted by the ACC, no exterior radio antenna, television antenna, or other antenna, or audio or visual reception device of any type shall be placed, erected or maintained, except inside a residence or otherwise concealed from view; provided, however, that any such devices may be erected or installed by the Declarant (or by any builder with the express written consent of the Declarant) in connection with the sale or rental of Lots, or otherwise in connection with development of or construction on the Property; and provided further, however, that the requirements of this section shall be subject to the Telecommunications Act of 1996 and applicable regulations, as amended from time to time.

2.7.1 SATELLITE DISH: One meter or less is allowed, not allowed on front of home. Mount on side of house or rear of lot, ground mount is encouraged in rear lot. Please watch where dish is mounted to home, use care in placement.

Section 2.8 ARCHITECTURAL DESIGN APPLICATION ("ADA"):
The "ADA" is used for when you are building a new home, first time landscaping or doing modifications /up-grades to the exterior of your existing home. If you're placing a deck, concrete patio, covered patio, upgrading your landscaping, painting your home or any exterior projects you must submit the Architectural Design Application ("ADA") for approval. Review fees may apply. You can find this document on the District web site.

Section 2.9 ASTRO-TURF: New styles will be reviewed; ACC approval is required.

Section 2.10 AWNINGS: See Overhangs.

Section 2.11 BALCONIES: See Decks.

Section 2.12 BASKETBALL BACKBOARDS: Unless otherwise approved by the ACC, no basketball hoops within the Property may be attached to a residence or garage. Subject to ACC approval, certain basketball hoops may be installed on a free-standing pole along the driveway. You cannot install in ROW or any easements.

2.12.1 BASKETBALL HOOP/ PORTABLE (Or any portable sports equipment): May be temporarily allowed on front driveways or placed in their yard or tree lawn. Portable sports equipment is not allowed on Town streets or walks. An Owner or resident is responsible for checking on and maintaining compliance with local Town codes.

Section 2.13 BIRD HOUSES AND FEEDERS: ACC approval is not required if limited to 2 feet by 2 feet and if not more than two in number are installed on any Lot. A birdhouse or birdfeeder may not be attached to the District fence. Remember to clean Bird house, waste stains can be seen from street. Also see Lawn Art.

Section 2.14 BOATS: See Vehicles. (Not allowed to be stored on lot, driveway or the street, storage in garage only or off site)

Section 2.15 BUG ZAPPERS: ACC approval not required, please only keep on when you're outside, do not leave bug zapper on all the time.

Section 2.16 BUILDING HEIGHT: The maximum overall height of all Improvements as measured from the lowest natural grade adjacent to a site wall to the highest point of the Improvement (excluding chimneys) shall be 35 feet or Town codes. See Town for codes.

Section 2.17 BUILDING LOCATION: See Setbacks.

Section 2.18 CAMPERS: See Vehicles. (Not allowed to be stored on lot, driveway or the street, storage in garage only)

Section 2.19 CARPORT: Not permitted.

Section 2.20 CIRCULAR DRIVES: See Driveways.

Section 2.21 CLOTHESLINES AND HANGERS: No clotheslines or drying yards shall be so located as to be visible from a street.

Section 2.22 CLOTH OR CANVAS OVERHANGS: See Overhangs.

Section 2.23 COLOR: The color of all exterior materials used on a residence or other Improvements within "The Summerfield Estes" must be approved in advance by the ACC. Earth tones generally muted are recommended.

Section 2.24 CORNER VISIBILITY: Compliance with the Town intersection sight distance criteria is required.

Section 2.25 DECKS or BALCONIES: ACC approval is required. Decks must be constructed of wood or other material matching the material of the residence and, if painted, must match the color scheme of the residence, unless otherwise approved by the ACC. Decks must be installed as an integral part of the residence and patio area. Construction of decks over easement areas is not permitted. Dimensions and location must be submitted on drawings. The ACC will review lot size as a factor in approval of decks. Homeowner or Contractor cannot take down District fencing for access to yard. Homeowner or Contractor cannot drive across District Landscape for access to yard. Town permit/approval may be required and is your responsibility to obtain. No contractor advertising allowed.

Section 2.26 DOG RUNS: ACC approval is required. No dog runs shall be located as to be visible from the street. Dog runs shall not be located within five (5) feet from any property line, and shall be screened by approved materials so that the dog therein is not visible from the street. No chain link fence. "Invisible" electric fences shall generally be permitted along property lines. Fencing is approved District fencing only and not over 5 feet in height.

Section 2.27 DOORS: New or replacement exterior doors which do not match existing doors on the residence, including, but not limited to, doors to entryways, garage doors, security doors, and the like require ACC approval. The color should be similar or complimentary to the color of the Residence. Unpainted aluminum doors are not permitted. See also Garage Doors.

Section 2.28 DRAINAGE: Each Owner shall maintain the grading upon his Lot (including grading around the building foundation) at the slope and pitch fixed by the final grading thereof, including landscaping and maintenance of the slopes, so as to maintain the established drainage. Each Owner shall not in any way interfere with the established drainage pattern over his Lot. In the event that it is necessary or desirable to change the established drainage over any Lot, then the Owner

thereof shall submit a plan to the ACC for its review and approval, in accordance with the provisions of the Guidelines and the Declaration and any such change shall also be made in accordance with all laws, regulations and resolutions of any applicable governmental entities. For purposes of this Section, "established drainage" is defined as the drainage which exists at the time final grading of a Lot by the Declarant, the Developer or a builder is completed.

Section 2.29 DRIVEWAYS: Modifications to the original driveway requires ACC approval and must be aesthetically pleasing and in conformance with the overall look of Filing 2. Colored concrete must be approved for drive extensions. Driveways may not be painted. Modifications or additions to the drive may not exceed three feet (3') in width on either side, if approved. Widening the driveway for extra parking space is not permitted. Town has a code to where driveway can be up to 40% of lot size and must be approved by the Town via permit. Most homes are the maximum driveway width. Asphalt extensions are not permitted. Parking in rear or side yards is not permitted.

2.29.1 DRIVEWAY STORAGE: For appearance purposes, no storage allowed on driveway, no material, junk (landscape material, building material, furniture, patio furniture, etc.) is allowed to be on the driveway longer than 72 hours. Special permit from "**The Districts**" can allow material to be stored longer, due to work on home. The Owner must provide Town permit if applicable. New homes under construction, storage is permitted.

Section 2.30 EVAPORATIVE COOLERS: Not permitted.

Section 2.31 EXTERIOR LIGHTING: See Lights and Lighting.

Section 2.32 EXTERIOR MATERIALS: The only acceptable exterior building materials are high-quality hardboard siding, brick, stone, stucco or other harmonious materials utilized for accent or home details as approved by the ACC. See Masonry Accents for additional requirements.

Section 2.33 FIRE PITS: Fire pits gas or wood burning are allowed with ACC approval. All fire pits must be fire rated and must comply with Town codes. Check with Town on permits.

Fire pit must be at least 15 feet from property line. Resident must comply with no burn days and/or fire bans by the Town and/or County on wood burning fire pits. See the Town for permits.

2.33.1 FIREWOOD STORAGE: No wood piles or storage areas shall be so located as to be visible from a street.

Section 2.34 FENCES & STAIN: Other than fences which may be constructed, installed or located by the Declarant (or by a builder with the express written approval of the Declarant) in its development or construction of Improvements in the Property, no fences shall be permitted except with the prior written approval of the ACC. No screening or fencing shall exceed five (5) feet in height; you must match existing fence height, if adding on to fence. Chain link fencing shall not be permitted. Any fences constructed on a Lot shall be maintained by the Owners of such Lot. Fence materials, design, color, stain (Mandatory) and other criteria and specifications must conform to the fence detail Type 1 and Type 2 or any approved fencing. Fence staining is mandatory in this area, see approved fence stain. It is important to remember that certain drainage patterns may exist along or under fence locations, be sure to provide for a space between the bottom of the fence and the ground elevation so as not to block drainage, allow at least 2 inches. All residential lots will maintain their fence and gates, keeping stain appearances on homeowner owned fence along with interior side of District fence. All fences must stay in place and all resident lots must have a rear/side lot fence. Fence stain must be maintained and re-stained every 3 to 5 years. No gates are allowed in the District fence.

Removal of any District fence is not allowed. **Approved fence** is Sherman Williams Traditional Russet, see web site for color chip. Paint Code subject to change.

Section 2.35 **FLAG and or FLAG POLES**: ACC approval is required. Only one (1) flagpole per Lot will be permitted. Flags and or Flag pole attached to the home 5' (15 sq. feet or less does not need ACC approval, when attached to the home) Flags allowed; United States of America, Colorado State Flag and any United States of America Military Flag. Holiday flags hung for up to 31 days. Seasonal or Sports Flags attached to the home or displayed in the yard are limited to 15 Sq. feet and are allowed to be displayed for up to 90 days

Section 2.36 **GARAGE DOORS**: ACC approval is required. Submittal shall include manufacturer's details and proposed paint color. Unless approved otherwise by the ACC, garage doors shall match the field color of the residence. Garage doors must relate to the residence's design elements. Architectural grade doors are a minimum requirement on all residences. Acceptable materials include manufactured or natural wood, sectional metal paneled doors finished, as appropriate (paint or stain), to match the residence. All garage doors must be recessed a minimum of six (6) inches.

Section 2.37 **GARBAGE CONTAINERS**: See Trash Containers. Trash/Recyclables **collect day is Tuesday**. Trash/Recyclable containers must be stored in garage or side lot, behind fence. Trash day is determined by the Board. This is to limit truck traffic in the community. Trash/Recyclable containers should be covered and lids secured to prevent littering.

Section 2.38 **GARDENS – FLOWERS**: ACC approval is not required if the area was designated as a flower garden on the original approved landscape plan. All flower gardens shall be carefully maintained.

Section 2.39 **GARDENS – VEGETABLE**: ACC approval is not required if located in the rear or side yard and the area on the original approved landscape plan was designated as a vegetable garden. Vegetable gardens are not permitted in the front yard. All vegetable gardens shall be carefully maintained.

Section 2.40 **GAZEBOS**: ACC approval is required. A gazebo is generally a detached, open, six to eight sided structure. The submittal must include a plot plan with gazebo location noted, and an elevation plan showing materials and dimensions. Some Lots may not be suitable for gazebos.

Section 2.41 **GRADING AND GRADE CHANGES**: (Do Not Change Grade without engineered plans)

Section 2.42 **GREENHOUSE WINDOWS**: ACC approval is required.

Section 2.43 **HOT TUBS**: ACC approval is required. Hot tubs must be an integral part of the deck or patio area and of the rear yard landscaping. Hot tubs must be in the rear yard. (Homeowner or Contractor cannot take down District fencing for access to yard. Homeowner or Contractor cannot drive across District Landscape for access to yard)

Section 2.44 **HOLIDAY DECORATIONS**: All seasonal decorations may not be installed more than forty (40) days prior to a holiday and must be removed within forty (40) days following that particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion. All season lights maybe considered, fill out ADA.

Section 2.45 **IRRIGATION SYSTEMS**: ACC approval is required. All landscaping shall be irrigated with a fully automatic underground sprinkler system. Turf areas shall be irrigated with

pop-up spray or pop-up rotary sprinklers. Planting bed areas shall be irrigated with low volume drip irrigation.

Section 2.46 JUNK VEHICLES: See Vehicles. (Not allowed to be stored on lot or the street, storage in garage only)

Section 2.47 LANDSCAPE AND MAINTENANCE:

2.47.1 Landscaping Plans: Landscaping plans and other required documents shall be submitted to the ACC for review and approval prior to the installation of landscaping, except where installed by the Declarant, the Developer, or a builder with the express written approval of the Declarant. Landscaping plans may be submitted with the Construction Drawings but must be submitted PRIOR TO COMMENCEMENT OF LANDSCAPING. Plans must depict fences, decks, sod, seeded areas, retaining walls, rock, railroad ties, sprinkler system, sizes and species of nursery materials, and include a drainage and grading plan that coincides with the builder's, and shows any Improvements or alterations thereto. Landscape plans must be done by a professional landscape designer/contractor. **Fees do apply, check with the District on review charges.** No contractor advertising signs allowed.

2.47.2 Planting Requirements: For single family Lots, a minimum of four (4) trees shall be required in front yard. Trees shall be no less than two (2) inch caliper when installed, and in the case of evergreens, each evergreen tree must be no less than six (6) feet in height when installed. A minimum of two (2) trees shall be required in the front yard, and a minimum of two (2) trees shall be required in the median area fronting the street in front of the residence, "the tree lawn, between the curb and walk". Total of 4 trees in front yard. The two (2) trees in the median area (Tree lawn) must be canopy trees. Additional quantities and larger planting sizes are encouraged. At least forty percent (40%) of the front yard's landscapable area must be comprised of turf. Tree lawn must be turf/sod. Xeriscape landscaping must be approved; tree and shrub count do not change with Xeriscape landscaping. All shrub beds shall be designed and installed so that they look fully planted. Large expanses of exposed mulch or rock shall not be allowed. Tree lawn exemptions approved by ACC only. Exemptions would be some Cul-de-sac's lots due to radius, street light poles, utility pedestals, fire hydrants, Town site triangle and distance from driveway..

2.47.3 Timing of Installation: Within the time frames as hereinafter provided, the Owner (other than the Declarant, or a builder with the express written approval of the Declarant) of each Lot shall install landscaping on all of the Lot which is not covered or enclosed by a building, fence or other structure, and shall thereafter maintain such landscaping in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds, and replacement of landscaping. The Owner of each Lot (other than Declarant, or a builder with the express written approval of the Declarant) shall install landscaping on such Lot **within one hundred eighty (180) days** after acquisition (Closing) of such Lot by such Owner if said acquisition occurs between October 15 and April 15 (Winter months); Landscaping can wait until after April 15th to start and must be completed by October 15th. *Turn in your ADA and landscape plans for review during the winter months*. Priority should be given to the installation of landscaping in front yards, and unless otherwise agreed in writing between a builder and the Declarant, builders will be required to install front yard landscaping in conjunction with the construction of the residence on a Lot. No contractor advertising signs allowed.

2.47.4 Landscape Maintenance: Lot owner is expected to maintain yard, keeping yard mowed less than six (6) inches, all trees and shrubs pruned and looking nice. Any trees and or shrubs that are dead are expected to be removed and replaced with an equal size tree and or shrub. Trees shall be no less than two (2) inch caliper when installed, and in the case of evergreens/pine, each evergreen/pine tree must be no less than six (6) feet (6' above ground, not including root ball) in height when installed. Shrubs should be two (2) gallon or larger. To help appearances in the neighborhood and to help maintain property values, yards should look aesthetically appealing and avoid any storage in the front of the home. No contractor advertising signs allowed.

2.47.5 Tree Lawn Maintenance: Trees placed in tree lawn by builder/owner must be replaced if they die. Tree lawn should remain sod/grass. All homes should have at least two trees in front tree lawn area, corner lots 2 or 3 trees should be placed down side tree lawn area. Check with District if unsure. No contractor advertising signs allowed in tree lawn. **Tree lawn exemptions approved by ACC only. Exemptions would be some Cul-de-sac's lots due to radius, street light poles, utility pedestals, fire hydrants, Town site triangle and distance from driveway.**

2.47.6 Lot Maintenance: Empty lots should be mowed as to keep grass and weeds below 6 inches. Lot perimeters should be trimmed along fence line and around all utility peds and any water/sewer markers. If erosion control is in place it should be maintained.

2.47.7 Lawn Art: Statues (Gnomes, angles, frogs, deer, sculptors etc.), bird baths, etc., should not be over 36 inches and limited to six (6) items in your front yard. ACC approval is not required, unless you exceed limits and/or height in the front yard. Placement of back yard lawn art should not be visible from street and is at your discretion, on numbers of lawn art pieces, but not to exceed fence height without ACC approval. Trellis placement is limited to 4 (Four) and not higher than fences. You must submit ADA form and receive approval from the design review committee to exceed height limits in your yard. Lawn Art may be reviewed on inspections if art does not blend in with community or has offensive over tones, homeowner may be asked to remove lawn art. This is to be decided by Design Review Committee.

2.47.8 Enforcement as to Landscaping: If any Owner fails to comply with this Section, or with the requirements of the ACC in installation or maintenance of landscaping, the Metropolitan District or the ACC may, at the direction of the Governing Board, enter upon such Lot and install or maintain landscaping for which the Owner shall be obligated to pay. The foregoing remedy is not exclusive of any other remedies that may be available at law or in equity.

Section 2.48 LATTICEWORK: ACC approval is required. Extensive installation of lattice is discouraged.

Section 2.49 LIGHTS AND LIGHTING: ACC approval is not required for exterior lighting which is in accordance with the following regulations: Exterior lights must be of the same style and character as those installed by the builder on other homes or Lots, and be as small in size as is reasonably practicable. Exterior lighting should be directed towards the residence and must be of low wattage to minimize glare sources to neighbors and other Owners. Walkway lighting shall be generally directed towards the ground. Lighting should not result in excessive glare towards the street or neighboring properties. Any variance from these Guidelines or use of high wattage spotlights or floodlights requires ACC approval.

Section 2.50 MAIL BOXES: Individual mailboxes are not permitted. Cluster boxes will be provided by the developer/builder at time of construction. Cluster box to meet USPS specifications. **No posting/advertising on mail boxes.**

Section 2.51 MASONRY ACCENTS: As used herein, "Masonry Accents" shall be restricted to stone, brick or stucco, and shall be subject to the following requirements:

2.51.1 Masonry Accents shall be mandatory on the front of any residence constructed within Filing 2. A minimum of 25% of the front of the residence must be comprised of Masonry Accents.

2.51.2 If stone or brick are used on the front of any residence within Filing 2, the stone or brick shall be extended a minimum of two (2) feet on both sides of the residence at the same height as the brick or stone on the front of the residence.

Section 2.52 MINIMUM SQUARE FOOTAGE: The minimum living area, exclusive of garages, balconies, patios, porches, and the like, of any residence constructed on a Lot within "The Summerfield Estes" shall be 1900 square feet for a ranch floor plan, and 2400 square feet for a multi-level floor plan.

Section 2.53 MOTOR HOME VEHICLES: See Vehicles. (Not allowed to be stored on lot or the street, storage in garage only)

Section 2.54 MOTORIZED VEHICLES: See Vehicles.

Section 2.55 NON-POTABLE WATER SYSTEM: Disclosure is hereby made that various irrigation systems servicing greenbelts, open spaces and other areas within the community may utilize untreated, non-potable water which is not safe for human or pet consumption.

Section 2.56 OVERHANGS: ACC approval is required. The color must be the same as the exterior of the residence, unless otherwise approved by the ACC. Metal or fiberglass awnings are not permitted.

Section 2.57 PAINTING/RE-PAINTING: ACC approval is not required if the color and color combinations are identical to the original color painted by the builder. Color and/or color combination changes require ACC approval. Paint shed to match home if you have a shed. You must make sure home next door and across the street body color is different from your new color choice. No contractor advertising/signs.

2.57.1 All exterior colors must be reviewed for approval by the ACC, including changing the color of existing Improvements. The ACC will assess the overall color composition formed by the individual materials.

2.57.2 All roof vent caps, louvers, plumbing stacks, chimney flashing, valley flashing, etc., are to be painted a color not in contrast with the color of the roofing.

2.57.3 Whenever exterior painting is to be done, all changes must be approved by the ACC prior to commencement of such painting. Changes include any paint or color scheme other than the original brand paint, color number and scheme which are on file with the builder or the ACC.

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

2.57.5 Paint schemes must be different from neighboring residences.

2.57.6 Garage doors are to be the same color as the siding or trim of the residence, unless otherwise requested and approved by the ACC. Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.

2.57.7 Most residences have multiple tone paint schemes (e.g., siding color, trim color and accent color for shutters and doors). New colors submitted should, but are not required to, preserve this multiple tone scheme. For example, if the trim was a different color than the doors and shutters originally, it should also be different in the submitted colors.

2.57.8 Color selections should be submitted to the ACC in the form of one set of manufacturer's paint chips. Please indicate which color chips are for trim, siding and accent (doors and shutters) color. PLEASE PLAN TO SUBMIT REQUESTS IN ADVANCE OF THE FORTY-FIVE (45) DAY REVIEW TIME FRAME ALLOWED FOR UNDER THE DECLARATION AND THESE GUIDELINES. **Painting a small 18" by 18" area of all paint colors to be used may be required for visual paint sample by the ACC.**

2.57.9 All selections are reviewed by the ACC and, in some cases, by a professional consultant.

2.57.10 In general, after approval, only those areas that are painted may be repainted; only those areas stained may be re-stained; unpainted surfaces and unstained areas (such as brick) shall remain unpainted and unstained.

2.57.11 Fence Staining: Owners must use Approved fence stain which is Sherman Williams Traditional Russet, see web site for color chip. Homeowner will need to stain homeowner fences and interior of District fence. Fence stain is required in this area. No other color or type of stain is permitted.

Section 2.58 PARKING: Also See Vehicles. Homeowners are encouraged to park in their own driveway and or garage. (No Storage of Unlicensed/Registered Vehicles allowed on lot, driveway or street)

Section 2.59 PATIO COVERS: ACC approval is required. Plans must show the exterior elevation, designate materials and colors, and include dimensions.

Section 2.60 PATIOS – ENCLOSED: Front yard patio needs ACC approval. See Additions and Expansions.

Section 2.61 PATIOS – OPEN: ACC approval is required. Front yard patios are not permitted.

Section 2.62 PAVING: ACC approval is required for front yard changes, regardless of whether for walks, driveways, patio areas or other purposes.

Section 2.63 PETS: See Animals.

Section 2.64 PIPES: See Utility Equipment.

Section 2.65 PLAN REVIEW: Send new home/modification/construction plans and/or landscape plans to the District for review. Use ADA form with submittal, fees may apply. Make check payable to STMD, check with District on amount.

Section 2.66 PLAY AND SPORTS EQUIPMENT: Play structures, trampolines, swing sets, slides or other such devices require ACC approval. Approval for such equipment may be granted when it is proposed to be placed within the rear or side yard (**Try to stay a minimum of 5 feet from lot lines**), is constructed and finished with materials which are complimentary to the residence. Play house structure kits or homemade structures must be made out of the same material as the residence, including siding, roofing and trim materials. Play structures are limited in height to 10 feet (10') or less, and the colors of which are in keeping with the intent of these Guidelines. Wood or dark colored, powder coated, steel structural components will be considered for approval; avoid plastic, especially brightly colored plastics.

Trampoline and play structures will be maintained. Keep netting and padding serviceable and in proper working condition, any weathered items should be replaced and/or re-painted. Netting and support bars should all be connected, serviceable and in proper working condition. Trampoline and play structures usage should be considerate of early morning and late evening hours.

Section 2.67 POLES: See Flagpoles, Utility Equipment, Basketball Backboard, etc.

Section 2.68 POOLS: ACC approval is required, along with Town permit. Privacy fencing may be required by Town code and or State code, for swimming pool and/or hot tub enclosures. See District approved fence styles and height. Any pool over 24 inches deep requires a permit.

Section 2.69 POOL/COMMUNITY CENTER and PARK: See posted rules at Center Park (Center Park located off Banner Street and Richland Avenue) or on web site. Pool; see rules on yearly pool registration form and posted at the pool. Community Center; See posted rules and or see registration form. Pool and Community Center access can be limited due to outstanding Taxes, O and M fees, and or covenant/guideline violations.

Section 2.70 PORCH or FRONT PATIO: ACC approval is required to add rails, change color of concrete, stamped concrete, enclose or change any portion of front porch/patio.

Section 2.71 RADON SYSTEMS: ACC approval is needed. All exterior pipes and or any chase made will need to be painted to match colors of house. (Check with Town for permits)

Section 2.72 ROOFS:

2.72.1 Roofing Materials. Except as otherwise provided herein, roofing materials within Filing 2 shall be restricted to tile, slate, or 30 year dimensional asphalt shingles. Cement tile roofs may be approved by the ACC, provided such materials are necessary to the architectural style of the residence and are an approved color. Metal roofing materials will be considered for approval only as design accents or elements. Standard asphalt shingles are NOT acceptable within Filing 2.

2.72.2 Roof Pitch. Roof pitches must be consistent with the architectural style of the residence. Except as provided below, the roof pitches on any residence must generally be between 6/12 and 12/12. Notwithstanding the foregoing, (i) porches and shed elements may have roof pitches as low as 4/12, and (ii) certain architectural styles, in the discretion of the ACC, may have roof pitches as low as 5/12 (e.g. Tuscan style or prairie style residences). Any residential plan should be designed to look attractive from all four sides. Multiple roof pitches and plane changes are encouraged. Large unbroken roof expanses lacking detail and definition will not be approved by the ACC.

2.72.3 Rooftop Equipment. All roof vents, plumbing vents, heating, ventilation, and air-conditioning vents shall try and be located behind the peak of the roof so as not to be visible from the

street, or painted to match the roof color if placed street side view. No types of refrigerating, cooling or heating apparatus shall be permitted on a roof. Also see Vanes.

Section 2.73 SATELLITE DISH: One meter or less is allowed, not allowed on front of home. Mount on side of house or rear of lot, ground mount is encouraged in rear lot. Please watch where dish is mounted to home, use care in placement.

Section 2.74 SETBACKS: Unless a greater distance is required by the Town of Timnath, no residence or other structure shall be constructed or placed upon any Lot nearer to the front Lot line, side Lot line, or rear Lot line than as indicated by the following minimum setback requirements: Twenty (20) feet from the front Lot line; Twenty-five (25) feet from the rear Lot line; and Seven (7) feet from a side Lot line. For purposes of this Section, building corners, eaves, steps, open porches (roofed or not roofed), or other components of a building shall be considered as part of the building. The ACC reserves the right to designate which streets are front streets and which property lines are front Lot lines, side Lot lines, and rear Lot lines. Any "reverse corner Lots" (i.e. those Lots having streets on two [2] sides of the Lot) shall be required to satisfy the front Lot line setback requirements set forth above on both sides of the Lot abutting such streets regardless of which direction the building thereon faces. The ACC may grant relief from the provisions of this Section for good cause shown. Notwithstanding the foregoing setback requirements, no building or other structure shall be constructed, installed, or permitted to remain within any easement. While not specifically required in all instances, (i) Twenty-five (25) foot setbacks are encouraged wherever possible, and (ii) varied front Lot line setbacks are encouraged such that adjacent residences have different setbacks. Generally, Fifteen (15) foot setbacks will be required on a Lot line for a side load garage.

Section 2.75 SHEDS: ACC approval is required. Materials, including siding, roofing and trim materials, shall be the same materials as on the exterior of the residence. Rubbermaid, plastic, vinyl and aluminum sheds are not permitted. Sheds shall be allowed only in rear yards and must be screened from view by a fence as much as possible. Sheds must be the same color as the exterior of the residence, unless otherwise approved by the ACC. Sheds shall not be more than eight feet, six inches (8'6") in height at the peak, nor larger than 120 square feet (10' by 12'). Your shed location should be at least five (5') foot off property lines. The ACC, in reviewing the application for shed approval, shall consider lot grade, lot size, fence locations, landscape screenings, etc., in granting any approvals for a shed. Only one shed will be allowed per Lot.

Section 2.76 SHUTTERS - EXTERIOR: ACC approval is required. Exterior shutters must be the same materials and painted to match the color scheme of the exterior of the residence. If shutters are on the home and fall off due to weather or other reason they must be replaced, or fill out ADA to remove all shutters.

Section 2.77 SIDING: ACC approval is required. Lap board siding must have a maximum exposed board width of nine (9) inches. All fascia's shall be a minimum of eight (8) inches and, except as provided below, soffits shall be a minimum of twelve (12) inches. If a roof pitch is 5/12 or less, as approved by the ACC, then soffits shall be a minimum of twenty-four (24) inches. Lap board siding that faces the front of any residence must have a maximum exposed board width of six (6) inches. Where applicable, (i) all windows must be trimmed out with a minimum of 1'x4' trim, and (ii) all corners of residences must have a minimum of 1'x4' corner board.

Section 2.78 SIGNS: : No advertising or signs of any character shall be erected, placed, permitted, or maintained other than a name plate of the occupant and a street number, and except for a "For Sale," "Open House," "For Rent," of not more than Six (6) square feet in the aggregate, and

such other signs, for such length (s) of time, which have the prior written approval of the ACC or are expressly permitted by applicable law. Signs not to be posted higher than 4 feet. For sale signs will be allowed in the front yard of your home or in windows of home. No for sale/rent signs in rear of lot above fence line or on/attached to any District fence and or property. For sale/rent sign OK in window. No “No Parking signs” for the public street/ROW signs are allowed, construction workers are allowed to park on the public streets. No contractor advertising signs allowed. No dispute signage is allowed. Dispute signage means you have an issue with your neighbor, Town, City, Contractor, Developer and or Builder. No contractor advertising signs allowed. Security signs are Ok, less than 12 inches by 12 inches. Election signs follow State, County and Town regulations and will follow above noted guidelines, no election signs are allowed in rear yard. Notwithstanding the foregoing, signs, advertising, or billboards used by the Declarant (or by any builder with the express written consent of the Declarant) in connection with the sale or rental of lots/house, or otherwise in connection with development of or construction on the Property, shall be permissible. Signs cannot be attached to District fence, attached to deck, raised by pole or framing above District fence or placed on District property without written approval.

Section 2.79 SKYLIGHTS: ACC approval is required. Considerations will include, but may not be limited to, size, style, and location. Manufacturer’s details (brochure) shall be included with submittal information.

Section 2.80 SNOW REMOVAL: Lot owner is expected to remove snow within 24 hours of snow fall on front lot sidewalk and side lot sidewalks if living on a corner. Owner of lot should take necessary precautions for ice as needed. Town has ordinances on snow removal; you can report any snow removal issues to the Town on public sidewalks. **Street snow removal is the Town’s responsibility.**

Section 2.81 SOLAR ENERGY DEVICES: ACC approval is required. Passive and active solar applications integrated into building architecture are encouraged, but details, including design, size, and location shall be submitted prior to installation. Solar systems shall be designed to appear as if they are an integral part of the roof of the residence. No exterior plumbing shall be visible from the street or adjacent Lots. Non-reflective components must be used. Paint and material used around solar panels should match colors and material of home. Paint material used around solar panels and on all piping down side of home. Paint should match colors of home.

Section 2.82 SPRINKLER SYSTEMS: See Irrigation Systems.

Section 2.83 SQUARE FOOTAGE: The minimum living area, exclusive of garages, balconies, patios, porches, and the like, of any residence constructed on a Lot within "The Summerfield Estes" shall be **1900 square feet for a ranch floor plan**, and **2300 square feet for a multi-level floor plan**.

Section 2.84 STATUES/FOUNTAINS/WATER FEATURES: Statues/fountains/water features/ of any kind will not be permitted in yards without prior approval of the ACC. The ACC will consider limited statues/fountains/water features if the proposed improvement is consistent with the overall Lot landscape theme and is consistent with house colors (both field and trim). If the feature is in the front yard, it must be located on the porch steps or within a five (5) foot boundary from the front of the house or get ACC approval. The height of the feature shall not exceed Thirty-Six (36) inches, or get ACC approval. Limited to 6, statues/fountains/water features. The feature must be harmonious with other homes in the community. Also see Lawn Art section.

Section 2.85 STORAGE FRONT/SIDE YARD OR STREET VIEW: No front yard Storage allowed. This includes but not limited to landscape/construction material, trash cans, recyclable containers, firewood, patio furniture, old vehicles, RV's of any kind, trailers of any kind, toys, tires, camping gear and any unsightly items. No storage of any kind in front lot.

Section 2.86 STORAGE SHEDS: See Sheds.

Section 2.87 STORM DOORS: See Doors.

Section 2.88 SUNSHADES: See Overhangs.

Section 2.89 SWAMP COOLERS: Not permitted.

Section 2.90 SWING SETS: See Play and Sports Equipment.

Section 2.91 TEMPORARY STRUCTURES: Except as hereinafter provided, no structure of a temporary character, including, but not limited to, a tent, shack, storage shed, or outbuilding, shall be placed or erected; provided, however, that during the actual construction, alteration, repair or remodeling of a structure or other Improvements, necessary temporary structures for storage of materials may be erected and maintained by the Person doing such work. The work of constructing, altering or remodeling any structure or other Improvements shall be prosecuted diligently from the commencement thereof until the completion thereof. Further, no unsightly conditions, structures, facilities, equipment or objects shall be so located on Filing 2 as to be visible from a street or any other portion of Filing 2. Notwithstanding any provisions herein contained to the contrary, it shall be expressly permissible for Declarant, its agents, employees, and contractors, or a builder with the express written approval of the Declarant, to maintain during the period of construction and sale of any Lots, upon such portion of Filing 2 as Declarant may choose, such facilities as in its sole opinion may be reasonably required, convenient or incidental to the construction and sale or rental of Lots, including, without limitation, a business office, storage area, construction yard, signs, model homes, sales office, construction office, parking areas, and lighting.

Section 2.92 TEMPORARY VEHICLES: See Vehicles. (No Storage of Unlicensed/Registered Vehicles allowed on lot, driveway or street)

Section 2.93 TENNIS COURTS: Not permitted.

Section 2.94 TRAILERS: See Vehicles. No Storage of Unlicensed or Registered trailers allowed on lot, driveway or street.

Section 2.95 TRAMPOLINES See PLAY AND SPORTS EQUIPMENT
Trampoline and play structures will be maintained. Keep netting and padding serviceable and in proper working condition, any weathered items should be replaced and/or re-painted. Netting and support bars should all be connected, serviceable and in proper working condition. Trampoline and play structures usage should be considerate of early morning and late evening hours.

Section 2.96 TRASH: Trash/recycling/yard waste containers may be placed out after 7:00 p.m. on the evening before pick-up day. Trash/recycling/yard waste containers must be taken in the day of pick-up and stored out of sight in garage or side lot behind fence. **Trash/recycling bin lids should be secured**, so as not to be scattered by the wind and/or animals. Trash/recycling containers shall be kept in a good, clean and sanitary condition. The Governing Board has selected one designated trash day (**Trash day is Tuesday**) in order to reduce noise and wear on the streets and to enhance the safety and cleanliness of the neighborhood. Owners shall be directly responsible to the trash hauler for the cost of trash services. Trash/recyclable/yard waste containers must be stored in

garage or side lot, behind fence. Trash day is Tuesday, only exception is week with a national holiday and or weather affects pick up.

Section 2.97 TREE HOUSES: Not permitted.

Section 2.98 UNDER DRAINS: Modification or impeding the flow of drainage is prohibited.

Section 2.99 UTILITY EQUIPMENT: Installation of utilities or utility equipment requires ACC approval unless located underground or within an enclosed structure. Pipes, wires, poles, utility meters and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.

Section 2.100 VANES: ACC approval is required. The vane shall be made of metal/plastic and shall not be reflective. Submittal shall include location, size and color. Moving action parts (i.e. rotating duck wings, figures sawing or chopping wood, etc.) and fabric components are not permitted without ACC approval.

Section 2.101 VARIANCES: SEE SECTION 3.13

Section 2.102 VEHICLES:

2.102.1 Parking: Except as otherwise provided by Town traffic codes hereof, vehicles shall try to be parked only in the garages and/or driveways serving the lots, or in appropriate spaces, like Public Streets (ROW) which is allowed or areas which may be designated by the Governing Board or the ACC from time to time, except that any vehicle may be otherwise parked as a temporary expedient for loading, delivery, or emergency. RV's, trailers of any kind, ATV's, boats, snow machines, any recreation vehicles, etc. are not to be parked in driveways and/or streets. Owners of RV's, trailers of any kind, ATV's, boats, snow machines, any recreation vehicles, etc. can park for up to 72 hours for loading and unloading, cleaning and/or minor repairs. No unlicensed/registered vehicles and/or Commercial Vehicles that do not meet the guidelines are not allowed to be stored on driveway and/or parked in the street. Periodic movement of the vehicle/recreational vehicle for the sole purpose of circumventing this standard shall not qualify the vehicle/recreational vehicle for exception from this standard. Town codes apply to this also.

2.102.2 Commercial Vehicles: Shall not be parked on lot, driveway or in the streets. Commercial Vehicles that do not meet the guidelines are not allowed to be stored on driveway or parked in street or any right of way's (ROW) within the Districts, except for service calls, deliveries.

2.102.3 Commercial Vehicles Description: No Commercial Vehicles 1 ton or larger, or any vehicles that have mechanical devices (Crane, bucket/boom, tow truck lifts, dump, generators, etc.) attached to them. No truck shall have fuel storage tanks on board or any hazardous material by DOT standards. You will be asked to remove commercial vehicle from the Districts.

Commercial Vehicles used by the homeowner for daily commuting with commercial writing (Logo's) on their exterior front doors/sides/tail gate and or in window glass area that is a one (1) ton truck size or smaller (Car) can have a small logo on each front door/sides/tail gate no larger than 24" by 24" measuring the sticker or magnetic sign from edge to edge., No parking for advertising allowed on cars, vans and or trucks. Racking systems (Ladder racks) on commercial vehicles are allowed in the District, with ladders side by side, no stacking of ladders, no exposed material storage.

Emergency vehicles (Police, Fire, (Government) or Volunteer are exempt from these. Volunteer vehicles will need documentation. Commercial Trucks/cars that do not meet these guidelines will be asked to park outside of the District's boundaries.

2.102.4 Recreational Vehicles: Motor Home, RV, Boats, ATV's, Snow Mobiles any and all trailers, all recreational vehicles, must be parked in garage. Recreational vehicles, trailers can only be parked in street and or driveway for temporary reasons for up to 72 hours.

2.102.5 Stored Vehicles: Except as otherwise required by law, 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, boat trailers, recreational vehicles, golf carts, junk cars, cars that are not capable of moving on their own power, and buses shall be parked only in enclosed garages (Not in driveway, street or anywhere on lot). 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 in the Property except within enclosed garages. For purposes of this Section, a vehicle shall be considered "stored" if, for example, it is up on blocks or covered with a tarpaulin and remains on blocks or so covered for seventy-two (72) consecutive hours without the prior approval of the Governing Board. This provision is intended to be broadly interpreted to cover almost any type of vehicle or structure not intended for every-day use. However, trailers, campers, motor homes, pickups, coaches, tents, or boats which can be and are stored completely within a garage, and are not used for living purposes will not be in violation of these restrictions. The fact that a vehicle of the above description may be licensed by the State of Colorado or any other state as a passenger vehicle shall in no way exempt it from this provision or the general intent of this provision.

2.102.6 Towing or Booting: In the event the Governing Board determines that a vehicle is parked or stored in violation of subsections A or B hereof, then a written notice describing said vehicle shall be personally delivered to the owner thereof (if such owner can be reasonably ascertained) or shall be conspicuously placed upon the vehicle (if the owner thereof cannot be reasonably ascertained), and if the vehicle is not removed within a reasonable time thereafter, as determined by the Governing Board in its discretion from time to time, the Governing Board shall have the right to remove or boot the vehicle at the sole expense of the owner thereof. If a vehicle is parked in a fire lane, is blocking another vehicle or access to another Owner's or occupant's Lot or dwelling, is obstructing the flow of traffic, is parked on any grassy area, or otherwise creates a hazardous condition, no notice shall be required and the vehicle may be towed or booted immediately. If a vehicle is towed or booted in accordance with this Section, neither the Governing Board, nor any agent of the Metropolitan Districts shall be liable to any Person for towing and storage costs or for any claim of damage as a result of the towing or booting activity. The Governing Board's right to tow or boot is in addition to, and not in limitation of, all other rights of the Governing Board, including the right to assess fines. Notwithstanding anything to the contrary in this Section, the Governing Board may elect to impose fines or use other available sanctions, rather than exercise its authority to tow or boot.

IN MOST CASES THE POLICE WILL BE CALLED.

2.102.7 Repair: No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicles, trailers or boats, may be performed or

conducted in the Property unless it is done within completely enclosed structure(s) which screen the sight and sound of the activity from the street and from adjoining real estate and Improvements. The foregoing restriction shall not be deemed to prevent washing and polishing of any motor vehicle, boat, trailer, motor-driven cycle, or other vehicle on a lot/street, together with those activities normally incidental and necessary to such washing and polishing. Minor maintenance, repair is allowed. (Minor maintenance, repair limited to day light hours)

Section 2.103 VENTS: See Rooftop Equipment.

Section 2.104 VIEW: Views are not protected. Homeowners can place play sets, pergolas, decks, patio covers, plant trees, shrubs etc. as requested with ADA approval. This also applies to the District. The District can change and or add any landscaping as needed.

Section 2.105 WALLS – RETAINING: Retaining walls require ACC approval and must be constructed to conform to local municipal code requirements. The Owner shall provide a detailed landscape plan, indicating the size and exposure of the retaining wall, at the time of plan review for approval. Owners are liable for their respective Lot drainage and shall not impair adjacent Lot drainage patterns. Retaining walls shall be constructed of brick, treated wood, natural stone, or similar materials, subject to approval by the ACC. Exposed concrete retaining walls are specifically forbidden. Town permit may be required.

Section 2.106 WELLS: Not permitted.

Section 2.107 WIND TURBINES: No wind turbines or generators shall be constructed, installed, erected or maintained within Filing 2.

Section 2.108 WINDOWS: ACC approval is required for all windows not of the same make or design as originally installed by the builder. Submission of plans and specifications to the ACC shall include a description of the window frame material and color, and shall also include a catalog cut (or sketch) of each new unit. Mill finish on aluminum windows is specifically prohibited. Replacement windows shall be substantially the same as those initially installed. Windows in a single elevation, such as front, rear, and side, shall be consistent. Reflective or dark tinting is not permitted. Security window bars are not permitted.

Section 2.109 WOOD STORAGE: No wood piles or storage areas shall be so located as to be visible from a street or from the ground level of any Lot.

ARTICLE 3. PROCEDURES FOR ACC APPROVAL

Section 3.1 Submission of Plans. No Improvements shall be constructed, erected, placed, altered, planted, applied or installed upon any Lot unless said Improvements are in full compliance with the provisions of the Project Documents and unless at least two (2) sets of complete plans and specifications therefor (said plans and specifications to show exterior design, height, materials, color, and location of the Improvements, plotted horizontally and vertically, location and size of driveways, location, size, and type of landscaping, fencing, walls, windbreaks and grading plan, as well as such other materials and information as may be required by the ACC), shall have been first submitted to and approved in writing by the ACC. FEE'S MAY APPLY.

Section 3.2 Expenses. In its review of such plans, specifications and other materials and information, the ACC may require as a condition to its considering an approval request that the applicant(s) pay or reimburse the ACC for the expenses incurred by the ACC in the review process.

Section 3.3 Governmental Approvals. In addition to the foregoing review and approvals, the construction, erection, addition, deletion, change or installation of any Improvements shall also require the applicant to obtain the approval of all governmental entities with jurisdiction thereover, and issuance of all required permits, licenses and approvals by all such entities. Without limiting the generality of the preceding sentence, issuance of building permit(s) by the applicable governmental entity, if required, shall be a precondition to commencement of any construction of, alteration of, addition to or change in any Improvement.

Section 3.4 Delegation. In addition to the foregoing Sections, the ACC shall likewise have the power to delegate the responsibility for reviewing any application submitted to the ACC to a professional architect, landscape architect, engineer, or other professional Person who is qualified to review the issues raised in the application. The ACC shall also have the power to require that the applicant pay the fees reasonably incurred by the ACC in retaining such professional to review the application submitted.

Section 3.5 Review. The ACC shall approve or disapprove all requests for approval within forty-five (45) days after the complete submission of all plans, specifications, and other materials and information which the ACC may require in conjunction therewith. A stamped or printed notation, initialed by a member of the ACC, affixed to any of the plans and specifications shall be deemed a sufficient writing. However, the ACC shall not be required to maintain records of plans, specifications or other documents or information that have been submitted to it for approval. Approval by the ACC shall be conclusive evidence of compliance with these Guidelines and Article 2 of the Declaration, provided that the Improvements are constructed in compliance with the plans and specifications as approved. Failure to approve within forty-five (45) days shall be deemed disapproval.

Section 3.6 Voting and Appeals. A majority vote of the ACC is required to approve a request for architectural approval or any other matter to be acted on by the ACC, unless the ACC has appointed a representative to act for it, in which case the decision of such representative shall control. In the event a representative acting on behalf of the ACC decides a request for architectural approval which is adverse to the applicant, then the applicant shall have the right to an appeal of such decision to the full ACC, upon a written request therefor submitted to the ACC within ten (10) days after such decision by the ACC's representative. In the event the ACC decides a request for architectural approval which is adverse to the applicant, then the applicant shall have the right to an appeal of such decision to the full Governing Board, upon a written request therefor submitted to the Governing Board within ten (10) days after such decision by the ACC. Notwithstanding anything to the contrary in these Guidelines and the Declaration, the Governing Board may intercede of its own volition in matters of architectural approval by the ACC, and the Governing Board may reverse, alter, amend, adjust, change, or otherwise modify any decisions of the ACC at any time, so long as any one or more Owners are not unduly prejudiced thereby.

Section 3.7 Prosecution of Work After Approval. After approval of any proposed Improvement, the proposed Improvement shall be accomplished 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 (1) year after the date of approval of the application or to complete the Improvement in complete conformance with the conditions and requirements of the approval, shall constitute noncompliance with the requirement that approval for Improvements be obtained from the ACC; provided, however, the ACC, in its discretion, may grant extensions of time for completion of any proposed Improvements.

Section 3.8 Notice of Completion. Upon the completion of any Improvement, the applicant for approval of the same shall give a written "Notice of Completion" to the ACC. Until the date of receipt of such Notice of Completion, the ACC shall not be deemed to have notice of completion of any Improvement on which approval has been sought and granted as provided in this Article.

Section 3.9 Inspection of Work. The ACC or its duly authorized representative shall have the right to inspect any Improvement prior to or after completion in order to determine whether the proposed Improvement is being completed or has been completed in compliance with the approval granted pursuant to this Article; provided, however, that the right of inspection shall terminate sixty (60) days after the ACC shall have received a Notice of Completion from the applicant.

Section 3.10 Notice of Noncompliance. If, as a result of inspections or otherwise, the ACC finds that any Improvement has been done without obtaining the approval of the ACC, or was not done in substantial compliance with the approval that was granted, or was not completed within one (1) year after the date of approval, subject to any extensions of time granted pursuant to Section 3.7 hereof, the ACC shall notify the applicant in writing of the noncompliance; which notice of noncompliance shall be given, in any event, within sixty (60) days after the ACC receives a Notice of Completion from the applicant. The notice of noncompliance shall specify the particulars of the noncompliance.

Section 3.11 Correction of Noncompliance. If the ACC determines that a noncompliance exists, the Person responsible for such noncompliance shall remedy or remove the same (and return the subject real estate and/or Improvements or structure to its original condition) within a period of not more than forty-five (45) days from the date of receipt of the notice of noncompliance. If such Person does not comply with the ruling within such period, the ACC may, at its option, record a notice of noncompliance against the Lot on which the noncompliance exists, may remove the non-complying Improvement or may otherwise remedy the noncompliance, and the Person responsible for such noncompliance shall reimburse the ACC, upon demand, for all costs and expenses incurred with respect thereto.

Section 3.12 No Liability. The Metropolitan District, the Governing Board, the ACC, and the members thereof, as well as any representative of the Metropolitan Districts, the Governing Board and the ACC appointed to act on its behalf, shall not be liable in equity or damages to any Person submitting requests for approval or to any Person by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove, in regard to any matter within its jurisdiction hereunder. In reviewing any matter, the Metropolitan Districts, the Governing Board, and the ACC shall not be responsible for the safety, whether structural or otherwise, of the Improvements submitted for review, nor the conformance with applicable building codes or other governmental laws or regulations, nor compliance with any other standards or regulations, and any approval of an Improvement by the Metropolitan Districts, the Governing Board, or the ACC shall not be deemed an approval of any such matters. No Owner or other Person shall be a third party beneficiary of any obligation imposed upon, rights accorded to, action taken by, or approval granted by the Metropolitan Districts, the Governing Board, or the ACC.

Section 3.13 Variance. The ACC, in its sole discretion, may grant reasonable variances or adjustments from any conditions and restrictions imposed by these Guidelines and the Declaration, in order to overcome practical difficulties or prevent unnecessary hardships arising by reason of the

application of any such conditions and restrictions. Such variances or adjustments shall be granted only in case the granting thereof shall not be materially detrimental or injurious to the other real estate and Improvements in the neighborhood and shall not militate against the general intent and purpose hereof.

Section 3.14 Waivers; No Precedent. The approval or consent of the ACC, or any representative thereof, to any application for approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent by the ACC or any representative thereof, 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 as to any other matter.

ARTICLE 4. CONSTRUCTION & BUILDER REGULATIONS

Section 4.1 Introduction. To assure that the construction of any Improvements on a Lot will occur in a safe and timely manner without damaging Filing 2 or disrupting residents or guests, these regulations will be enforced during the construction period. Construction will not begin until final plan approvals have been issued by the ACC, and the applicable building permit has been obtained from the Town of Timnath.

Section 4.2 Access to Construction Areas. Access to the construction site for all vehicles will be limited to certain routes established by the ACC prior to the commencement of any construction activity.

Section 4.3 Vehicles and Parking Areas. Parking for construction personnel vehicles or machinery will occur only in specific areas designated by the ACC so as to minimize damage to adjacent properties. Construction crews will not be permitted to park on adjacent Lots without the prior written approval from the Lot Owner.

Section 4.4 Storage of Materials and Equipment. It is recommended that all construction materials, equipment and vehicles left on site be stored in a secure area. Equipment and machinery may be stored on site only while needed for activities specific to the lot or lots in the area and for the construction of Improvements thereon. This is for short term usage as a staging area or for material, equipment storage, wash out and or foundation dirt. Any and all Town ordinances must be followed for storage. Keep area clean and organized.

Section 4.5 Construction Activity Times. The time of construction will be limited to the period from 7:00 a.m. until 7:00 p.m. Monday through Friday, and 8:00 a.m. until 4:00 p.m. on Saturdays and No Sundays. Temporary living quarters for the Owner, builder, contractor or their employees will not be permitted. Follow Town codes if times are different.

Section 4.6 Repetitive Design/Diversity: Dwellings placed adjacent to or directly across the street from other dwellings shall have different front elevations. Front elevations shall be considered different from one another if at least four of the eight design conditions listed below are met as determined by the District.

- 4.6.1 The locations of at Least 50 percent of the windows or doors vary by one foot or more.
- 4.6.2 The shapes of at least two window dormers or window bays differ by two feet or more.
- 4.6.3 The shapes of at least two gable or hip roof ends differ by two feet or more.

4.6.4 The shapes of the front porches or other projecting architectural elements differ by two feet or more.

4.6.5 The overall color schemes differ.

4.6.6 More than 50 percent of the front elevation cladding is of a different style or material.

4.6.7 The overall width of the front elevation differs by two feet or more.

4.6.8 The overall height of the front elevation differs by one foot or more.

Section 4.7 Sanitary Facilities. Sanitary facilities must be provided for construction personnel onsite. The facility must be maintained regularly.

Section 4.8 Debris and Trash Removal. The builder/contractor must clean up all trash and debris on the construction site at the end of each day. Heavy, wind proof construction project dumpsters with covers are recommended for each job site (See Town codes). Lightweight material, packaging and other items must be covered or weighted down to prevent wind from blowing such materials off the construction site. The builder/contractor is prohibited from dumping, burying or burning trash anywhere on the Lot or elsewhere in the Development. During the construction period, each construction site must be kept neat and tidy to prevent it from becoming a public eyesore, or affecting adjacent Lots. Dirt, mud or debris resulting from activity on each construction site must be promptly removed from roads, open spaces and driveways or other portions of the Development. Any cleanup costs incurred by the ACC or Declarant while enforcing these requirements will be billed to the Owner.

Section 4.9 Excavation and Grading. During construction, erosion due to wind and/or heavy rains must be minimized through proper soil stabilization and water control. The builder/contractor is responsible for the implementation of all erosion control techniques as may be required by state or local agencies. All topsoil disturbed by grading operations must be stockpiled within the construction area and reused as part of the site restoration/landscaping plans.

Section 4.10 Damage, Repair and Restoration. Damage and scarring to other property, including open space, adjacent Lots, roads, driveways and/or other Improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the person causing the damage or the Owner of the Lot on which construction is proceeding. Each Owner and builder/contractor will be responsible for cleaning up the construction site and the repair of all property which is damaged, including, but not limited to, restoring grades, planting shrubs and trees as approved or required by the ACC, and repair of streets, driveways, pathways, signs, lighting, fencing and the like. Any of the aforementioned property repair costs incurred by the ACC or Declarant will be billed to the Owner.

Section 4.11 Inspections. The ACC or its duly authorized representative shall have the right to inspect any construction site and Improvements prior to or after completion in order to determine whether the construction of the proposed Improvement is being completed or has been completed in compliance with this Article.

Section 4.12 Pets. No pets belonging to construction personnel will be allowed within the Development.

Section 4.13 Security. Security precautions at the construction site may include temporary fencing approved by the ACC. Security lights (except those with motion detectors) audible alarms and guard animals will not be permitted.

Section 4.14 Noise. Builder/contractors will make every effort to keep noise to a minimum. Radio sound will be kept at a low level (cannot be heard off the subject Lot) to minimize disturbance to neighbors.

Section 4.15 Lot Maintenance: Empty lots should be mowed as to keep grass and weeds below 6 inches. Lot perimeters should be trimmed along fence line and around all utility peds and any water/sewer markers. If erosion control is in place it should be maintained. This also includes snow removal when needed.

ARTICLE 5. MODEL HOME EXEMPTION

Section 5.1 Introduction. The Declarant and various builders will likely construct and maintain Model Homes within the community to facilitate the marketing and sale of residences as permitted in the Declaration. As used herein, "Model Homes" shall mean and refer to residences constructed within the community which are not occupied as dwellings, but rather are utilized as marketing tools by the Declarant or other builders designated by Declarant who own more than one Lot within the community.

Section 5.2 Exemption. Pursuant to Section 4.1 of the Declaration, the Declarant and any builder designated in writing by Declarant are exempt from the Project Documents, including without limitation these Design Guidelines, the requirement to obtain design approval from the ACC, and any covenants or restrictions in the Declaration. By way of example, and not in limitation of the foregoing:

5.2.1 The Model Homes, when used as such, are not restricted to residential use.

5.2.2 The Declarant (or any builder with the express written consent of the Declarant) may maintain during the period of construction and sale of any Lots, upon such portion of Filing 2 as Declarant may choose, such facilities as in its sole opinion may be reasonably required, convenient or incidental to the construction and sale or rental of Lots and Improvements, including, without limitation, business offices, management offices, construction offices, construction trailers, sales offices, storage areas, construction yards, signs, advertising material, Model Homes, parking areas, and lighting.

5.2.3 Signs, advertising, or billboards used by the Declarant (or by any builder with the express written consent of the Declarant) in connection with the sale or rental of Lots, or otherwise in connection with development of or construction on Filing 2, shall be permissible.

5.2.4 The Declarant (or a builder with the express written approval of the Declarant) may designate certain parking areas for visitors or guests who are viewing the Model Homes.

5.2.5 The term "nuisance" as used in the Declaration shall include each violation of any of the Project Documents, but shall not include any activities of the Declarant or a builder with the express written consent of the Declarant.

5.2.6 The Declarant (or a builder with the express written consent of the Declarant), and their employees, agents, and contractors shall have the right to perform, from time to time, and to maintain upon portions of the Lots, such activities and materials as Declarant or such builder deems necessary or incidental to the construction and sale of Lots and development and construction of Improvements.

Section 5.3 Regulation. The Declarant may, but is not obligated to, regulate the maintenance and use of Model Homes within the community as a matter of contract by and between the Declarant and the builders.

ARTICLE 6. ENFORCEMENT

Section 6.1 Remedies. Enforcement of these Guidelines may be by any proceeding at law or in equity against any Person(s) violating or attempting to violate any such provision. The Metropolitan District, the Governing Board, and the ACC shall have the right to institute, maintain and prosecute any such proceedings. No remedy shall be exclusive of other remedies that may be available. In any action instituted or maintained under these Guidelines, the prevailing party shall recover its costs and attorney fees incurred in asserting or defending the claim, as well as any and all other sums. Failure by the Metropolitan District, the Governing Board, or the ACC to enforce any covenant, restriction or other provision shall in no event be deemed a waiver of the right to do so thereafter.

Section 6.2 Fines. Without limiting the generality of the foregoing, the Metropolitan District, the Governing Board, and/or the ACC shall have the right to send demand letters and notices, to levy and collect fines, to negotiate, settle and to take any and all other actions with respect to any violation(s) or alleged violation(s) of these Guidelines.

Section 6.3 Discretion. The decision of the Metropolitan Districts, the Governing Board or the ACC to pursue enforcement action in any particular case shall be left to their discretion, subject to the duty to exercise judgment and be reasonable, and further restricted in that the Metropolitan Districts, the Governing Board or the ACC shall not be arbitrary or capricious in taking enforcement action. A decision of the Southwest Timnath Metropolitan Districts, the Governing Board or the ACC not to pursue enforcement action shall not be construed as a waiver of their right to enforce such provisions at a later time under other circumstances or preclude them from enforcing any other covenant, restriction or rule. Without limiting the generality of the foregoing, the Metropolitan Districts, the Governing Board or the ACC may determine that, under the circumstances of a particular case:

6.3.1 The Metropolitan District's, the Governing Board's or the ACC's legal position is not strong enough to justify taking any or further action;

6.3.2 The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with applicable law; or

6.3.3 that it is not in the Metropolitan District's, the Governing Board's or the ACC's best interest, based upon hardship, expense, limited effect on other Owners or other reasonable criteria, to pursue enforcement action.

ARTICLE 7. GENERAL PROVISIONS

Section 7.1 Severability. All provisions of these Guidelines are severable. Invalidation of any provision of these Guidelines by judgment, court order or otherwise, shall in no way affect or limit any other provisions which shall remain in full force and effect.

Section 7.2 Headings. The Article, Section and subsection headings in these Guidelines are inserted for convenience of reference only, do not constitute a part of these Guidelines, and in no way define, describe or limit the scope or intent of these Guidelines or any of the provisions hereof.

Section 7.3 Amendment. These Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, modified, reenacted, or otherwise changed by the Governing Board in its discretion, and may be different from phase to phase within the Development.

THESE UP-DATED GUIDELINES WERE ADOPTED BY THE GOVERNING BOARD on **the 8th day of March, 2018**. As provided in the Declaration and as provided in this document, these Guidelines are subject to amendment by the Governing Board.

SOUTHWEST TIMNATH METROPOLITAN DISTRICT NO. 1 THROUGH 4:

By:


Dino DiTullio: President/Chairman

ATTEST: by:


Michael DiTullio: Secretary/Treasurer: