

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE DENVER CONNECTION WEST METROPOLITAN DISTRICT (THE "DISTRICT") HELD JANUARY 14, 2020

A special meeting of the Board of Directors of the Denver Connection West Metropolitan District (referred to hereafter as the "Board") was convened on Tuesday, January 14, 2020, at 6:00 p.m., at The HUB, 4746 Jasper Street, Denver, CO 80239. The meeting was open to the public.

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**Directors In Attendance Were:**

Robert A. Johnson  
Craig Warner  
Eric McEachen  
Jeff McGovern

**Also In Attendance Were:**

Lisa A. Johnson and Peggy Ripko; Special District Management Services, Inc. ("SDMS")

Elisabeth Cortese, Esq.; McGeady Becher P.C.

Yelena Primachenko; CliftonLarsonAllen LLP

Elesha Carbaugh-Gonzalez; Independent District Engineering Services, LLC ("IDES")

Giovanni Forrest; YMCA Manager (for a portion of the meeting)

(See Sign In Sheet for other attendees)

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**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

The Board noted a quorum was present and that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting. Attorney Cortese requested that the Directors consider whether they had any additional conflicts of interest to disclose. Attorney Cortese noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record those applicable

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disclosures made by the Board Members prior to this meeting and in accordance with the statutes. It was noted that disclosure statements had been filed for all Directors by the statutory deadline.

### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Johnson distributed for the Board's review and approval a proposed Agenda for the District's special meeting.

Following discussion, upon motion duly made by Director McEachen, seconded by Director McGovern and, upon vote, unanimously carried, the Agenda was approved, as amended.

**Meeting Location:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, the Board noted the meeting location is within the District's boundaries. The Board further noted that notice of this meeting was duly posted pursuant to statute.

### PUBLIC COMMENTS

Robert G. Luna: Questions on current taxes, mill levies, and if any changes are expected. Attorney Cortese responded.

Questions on Election Process. Attorney Cortese responded.

Cara Wolfe: Concerns of lighting at the Dog Park and additional dog stations. Ms. Ripko will provide an update on this on a weekly email blast. Also notated in the email blast - all should pick up after your dog as the Dog Park is not being maintained by Service Provider.

Eva Cowles: Comments include:

- To replenish rock in Dog Park annually.
- Drinking fountain not working in Dog Park should be fixed.
- Speed limit signs on Kittredge are needed- City of Denver issue.
- Snow removal on north facing townhome properties is needed.

Carmen Davis: Monument lights are flickering. William Lyon Homes is addressing this.

Brennan Boehne: Parking in rock beds on side of their homes, car covers on cars, and flat tires. Ms. Ripko addressed these issues and also provided information on semitrucks on public streets.

John Gorsuch: Light pole on 47<sup>th</sup> and Chambers intersection- Does there need to be a traffic pole? Will future meetings be held at The HUB? Ms. Johnson and Ms. Ripko

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addressed this. Timing for City Park- Director Johnson addressed this. Suggested possible Park Committee: 2-3 people on the committee to solicit feedback from residents and attend meetings with City Planner.

**CONSENT AGENDA** The Board considered the following actions:

- Review and approve Minutes of the October 22, 2019 Regular Meeting.
- Ratify adoption of Resolution No. 2019-10-07; Authorizing Adjustment of the District Mill Levy in Accordance with Colorado Constitution, Article X, Section 3.
- Ratify approval of Proposal with Enchanted Gardens Landscaping for Avion at Denver Connection 2019 Holiday Decorations.
- Ratify the approval of the Settlement and Release Agreement between the District and MW Golden Constructors.

Following discussion, upon motion duly made by Director Wagner, seconded by Director Johnson and, upon vote unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above actions.

### **FINANCIAL MATTERS**

**Claims:** The Board considered the ratification of approval of the payment of claims as follows:

Fund	Period Ending Nov. 19, 2019	Period Ending Dec. 16, 2019
General	\$ 14,086.82	\$ 17,132.59
Debt	\$ -0-	\$ -0-
Capital	\$ 96,461.58	\$ 10,305.95
Special Revenue	\$ 42,002.72	\$ 39,627.62
<b>Total</b>	<b>\$ 152,551.12</b>	<b>\$ 67,006.16</b>

Following discussion, upon motion duly made by Director McGovern, seconded by Director Wagner and, upon vote unanimously carried, the Board ratified approval of the payment of claims, as presented.

**Claims:** The Board then considered approval of the payment of claims through the period ending January 14, 2020, as follows:

General Fund	\$ 10,763.88
Debt Service Fund	-0-
Capital Projects Fund	217,865.69
Special Revenue Fund	45,563.82
<b>Total Claims:</b>	<b><u>\$ 274,193.39</u></b>

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Following review and discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending January 14, 2020.

**Financial Statements, Schedule of Developer Advances, Property Tax Reconciliation, and Schedule of Cash Position:** Ms. Primachenko presented to the Board the unaudited financial statements dated November 30, 2019, schedule of developer's advances, updated January 3, 2020, property tax reconciliation, and schedule of cash position statement ending November 30, 2019, updated as of January 6, 2020.

Following review and discussion, upon motion duly made by Director Johnson, seconded by Director Wagner and, upon vote unanimously carried, the Board accepted the unaudited financial statements dated November 30, 2019, schedule of developer's advances, updated January 3, 2020, property tax reconciliation, and schedule of cash position statement ending November 30, 2019, updated as of January 6, 2020.

**2019 Audit:** The Board discussed the engagement of Dazzio & Associates, PC to prepare the 2019 Audit.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Wagner and, upon vote unanimously carried, the Board approved the engagement of Dazzio & Associates PC to prepare the 2019 Audit in the amount not to exceed \$4,900.00.

### **CONSTRUCTION MATTERS**

**Engineer's Report:** Ms. Carbaugh-Gonzalez reviewed with the Board the Engineer's Project Status Report dated January, 2020. A copy of the report is attached and incorporated herein by this reference.

**HUB Facility:** There was no new information to report.

**Task Order No. 2 to Master Services Agreement ("MSA") with Godden Sudik for Additional Services:** The Board deferred discussion.

**Thoutt Bros Concrete Contractors, Inc. Contract**

**Final Acceptance, status of Punch List Items, and Release of Retainage Related to the Contract with Thoutt Bros Concrete Contractors, Inc.:** It was noted that the punchlist and final acceptance are in progress.

**Change Order No. 2 for Dog Park Colored Concrete:** The Board discussed Change Order No. 2 for Dog Park Colored Concrete.



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Following discussion, upon motion duly made by Director Johnson, seconded by Director McEachen and, upon vote unanimously carried, the Board approved Change Order No. 2 for Dog Park Colored Concrete, for a decrease in the amount of <\$425.52>.

Brightview Landscape Development, Inc. Contract:

Change Order Work Started: It was noted that Ms. Fiore will need to confirm that the Brightview work has been completed.

Release of Retainage Completed: It was noted that Ms. Fiore will need to confirm that release of retainage related to the Brightview Contract has been done.

ETG Systems Contract:

Task Order No. 4 to Put Fireplace Controls on a Timer: The Board discussed Task Order No. 4 to put fireplace controls on a timer.

Following discussion, upon motion duly made by Director McGovern, seconded by Director Johnson and, upon vote unanimously carried, the Board approved Task Order No. 4 to put fireplace controls on a timer in the amount of \$361.84.

Cost Certification Report No. 21: Ms. Carbaugh-Gonzalez presented to the Board Cost Certification Report No. 21.

Following discussion, upon motion duly made by Director McGovern, seconded by Director Johnson and, upon vote unanimously carried, the Board accepted Cost Certification Report No. 21 in the amount of \$304,140.77.

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### LEGAL MATTERS

McGeady Becher P.C. Records Retention Policy: Attorney Cortese updated the Board on the McGeady Becher P.C. Retention Policy. Following discussion, the Board accepted the update.

Board Vacancy: Attorney Cortese discussed the vacancy with the Board. She noted that interest has been expressed by District resident Marc Robson.

Mr. Robson presented a summary of his experience to serve on the Board. The Board asked if there was anyone else in attendance with an interest to serve on the Board of Directors. No other interest was noted.

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Following discussion, upon motion duly made by Director Johnson, seconded by Director McGovern and, upon vote, unanimously carried, the Board appointed Marc Robson to fill the vacant seat. The Oath was administered. Mr. Robson did not take any action after his oath as the oath needs to be filed with the County Clerk prior to any action.

### **POOL AND HUB OPERATIONS**

**Second Amended and Restated District Facilities Rules and Regulations:** The Board discussed the Second Amended and Restated District Facilities Rules and Regulations.

Following discussion, upon motion duly made by Director McGovern, seconded by Director Johnson and, upon vote, unanimously carried, the Board approved the Second Amended and Restated District Facilities Rules and Regulations.

### **COVENANT ENFORCEMENT/ DESIGN REVIEW**

**Community Manager's Report:** Ms. Ripko reviewed with the Board the Community Manager Report.

*Violation Report:* The Board reviewed a Violation Report.

#### **Design Review Committee ("DRC")**

*Update from DRC Committee:* The Board reviewed the Architectural Review Requests. Mr. Bongiovanni provided an update. It was noted that a review of fourteen (14) requests has been completed. The DRC Committee requested to meet with the Board to address pending requests.

*Rules and Regulations Governing Satellite Dishes and Cable Television:* Ms. Ripko provided an update to the Board after consultation with Attorney Firman of Altitude Community Law P.C. Attorney Firman reported to Ms. Ripko that the District cannot restrict satellite dishes or cable television on townhomes when roofs are owned by homeowners. He further reported that the District cannot specify the color of cable wires to their home.

#### **Social Committee**

*Update from Social Committee:* Ms. Ripko provided an update to the Board. The Social Committee gave a report on amount spent on activities in 2019 with regards to the Budget. It was noted that the expenses came in under budget.

*Trunk or Treat Report:* The Board reviewed the Trunk or Treat Report.

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Budget. It was noted that the expenses came in under budget.

*Trunk or Treat Report:* The Board reviewed the Trunk or Treat Report.

**Second Amended and Restated Resolution Adopting Policies and Procedures Governing the Enforcement of Protective Covenants for Denver Connection West:**

Ms. Ripko presented the Second Amended and Restated Resolution Adopting Policies and Procedures Governing the Enforcement of Protective Covenants for Denver Connection West.

Following discussion, upon motion duly made by Director McGovern, seconded by Director Johnson and, upon vote, unanimously carried, the Board adopted the Second Amended and Restated Resolution Adopting Policies and Procedures Governing the Enforcement of Protective Covenants for Denver Connection West, subject to final review by District Counsel.

**OTHER BUSINESS MATTERS**

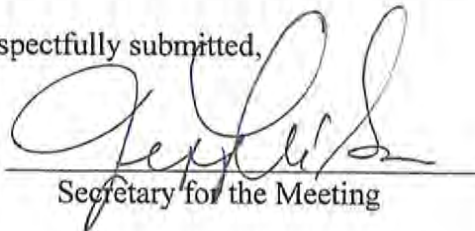
There was no other business for discussion at this time.

**ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made, seconded and, upon vote unanimously carried, the meeting was adjourned.

Respectfully submitted,

By

  
Secretary for the Meeting

DENVER CONNECTION WEST METROPOLITAN DISTRICT

JANUARY 14, 2020 BOARD MEETING

Please print your name, address and phone number, and the issue(s) you are interested in addressing at this meeting.

NAME	ADDRESS (Postal and Email)	TELEPHONE	ISSUES TO BE ADDRESSED
Roberta C Luna	16098 E. 47 <sup>th</sup> dr.	720 209 7258 CUNR8888@outlook.com	"Bond taxes"
Cara Wolfe	16236 E Warner Dr	303-883-4157	Dog poop stations, lights @ Dog Park/Station Dog
Feva Coules	4778 N. Kittredge St	301 821 0077 780-200-7569	to drive w/dog not allowed light on Kittredge Warner not used lights on the inbowlments have been flickering for months.
Carmen Davis	16022 E Warner Pl	720 648 4682	
William Rode	15501 E 47th Dr.		
F-G	16017 E Elk Pl		
Rachel Wengeld	15893 E Warner Dr.	303548 7224	
Bob Marie Robson Bonsorinn	4769 Kalpell St	3/883-0880 3/915-9115	



DENVER CONNECTION WEST METROPOLITAN DISTRICT

JANUARY 14, 2020 BOARD MEETING

Please print your name, address and phone number, and the issue(s) you are interested in addressing at this meeting.

NAME	ADDRESS (Postal and Email)	TELEPHONE	ISSUES TO BE ADDRESSED
Brennan Boehne	15747 E. Elk Pl, Denver CO 80231 bwhboehne@gmail.com	303-870-6778	Parking on sides of houses on roads in back of house

DENVER CONNECTION WEST METROPOLITAN DISTRICT

JANUARY 14, 2020 BOARD MEETING

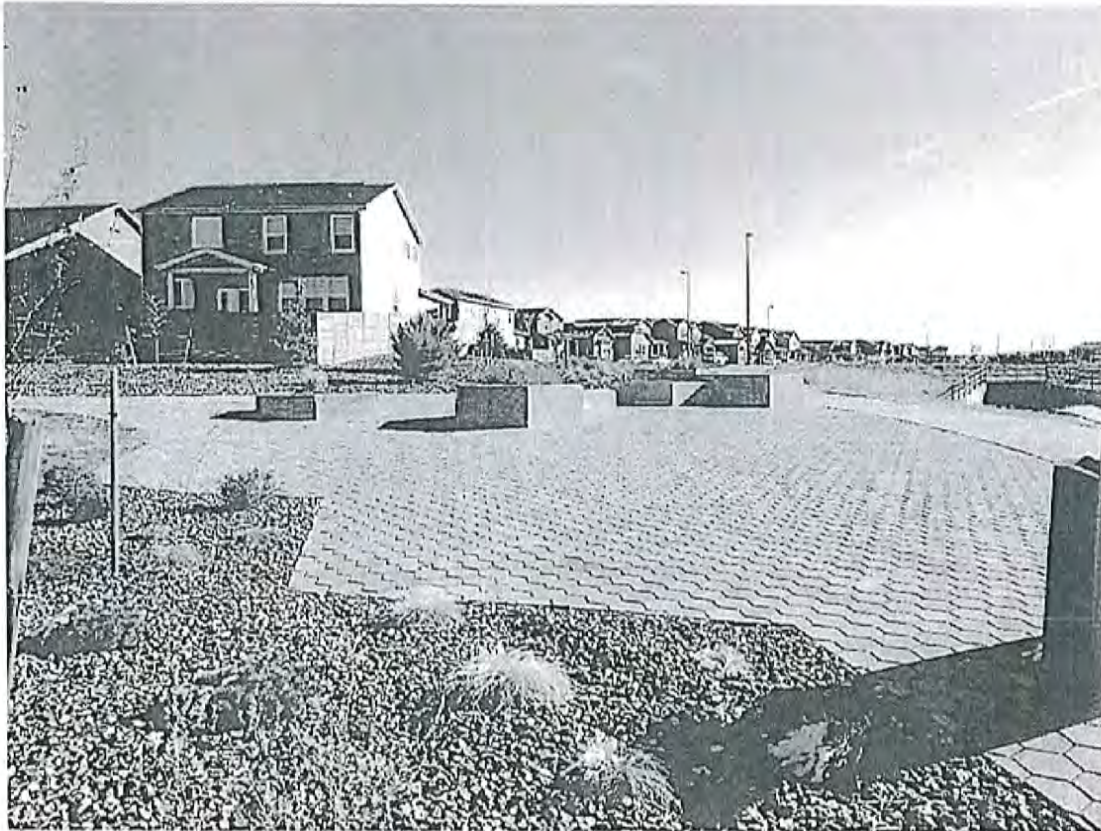
Please **print** your name, address and phone number, and the issue(s) you are interested in addressing at this meeting.

NAME	ADDRESS (Postal and Email)	TELEPHONE	ISSUES TO BE ADDRESSED
John Bonack	15545 E 47th Dr Christy.bonack@gmail.com	901 351 2797	Lister Pile on 47th Gumbus Intersection Furn Avenue location

# DENVER CONNECTION WEST METRO DISTRICT

## Board Meeting Project Status

### January 2020



#### Project Work

##### Cost Certification

- Cost Certification #21 - \$304,140.77

#### Construction Contract Documents

##### Contractor Contracts

- Brightview Acceptance and Retainage Release
  - Final Change Order work started
  - Retainage Release complete
- Thoutt Brother's Acceptance and Retainage Release
  - Will grant Final Acceptance when punchlist items are complete
  - Retainage Release – Recommend when punchlist items are complete
  - Change Order 2 – Dog Park Colored Concrete - \$-425.52 – Recommend Approval

#### Consultant/Vendor Agreements

##### Consultant/Vendor Task Orders

- ETG Systems
  - Task Order 4 – \$361.84 - Put Fireplace controls on a timer – Recommend Approval
- Godden Sudik
  - Task Order 2 – Additional Services – \$15,335.00 – Already overbilled by \$2,415.56





**Denver Connection West  
Social Committee Event Report**

**Event:** Winter Wonderland

**Date of Event:** 12-14-2019

**Attendance:** 60

**Expenditures:**

<b>Item:</b>	<b>Cost</b>
Carriage Rides	\$550.00
Santa	\$350.00
Tree	\$40.00
Craft	\$40.70
Outside Decorations	\$69.76
Hot Chocolate Bar Supplies	\$84.39
Hot Chocolate Bar Supplies	\$53.17
Hot Chocolate Bar Supplies	\$25.00
Outside Decorations	\$19.98
<b>TOTAL:</b>	<b>1233.00</b>

**Suggestions for Future Events:**

**SECOND AMENDED AND RESTATED  
DESIGN AND LANDSCAPE  
GUIDELINES  
OF  
DENVER CONNECTION WEST**

Adopted by the Board of Directors of the Denver Connection West Metropolitan District  
on April 25, 2017, revised October 22, 2019

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## **INTRODUCTION**

### **1.1 Basis for Design and Landscape Guidelines**

These Design and Landscape Guidelines (the “**Guidelines**”) are intended to assist Owners living in the Denver Connection West community (the “**Community**”). Pursuant to the Declaration of Covenants, Conditions and Restrictions of Denver Connection West (“**Declaration**”), recorded at Reception No. 2017095170 in the City & County of Denver. The Denver Connection West Metropolitan District (“**District**”) is authorized to adopt Design and Landscape Guidelines 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 Guidelines contain (A) a summary of procedures for obtaining approval from the Architectural Review Committee (“**ARC**”) (see Section 2); and (B) a listing of specific types of improvements that Owners might wish to make with specific information as to each of these types of improvements (see Section 3).

### **1.4 Architectural Review Committee or Representative**

The ARC consists of persons, representatives or a committee appointed by the Denver Connection West Metropolitan District Board of Directors to review requests for approval of architectural, landscaping improvements 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	OFFICE	FAX	E-MAIL
SDMS	303-987-0835	303-987-2032	pripko@sdmsi.com

### **1.6 Effect of Declaration**

The Declaration governs the Community. Each Owner should review and become familiar with the Declaration. Nothing in these Guidelines 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 the City and County of Denver for further information and requirements for Improvements they wish to make.

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

### **1.8 Interference with Utilities**

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

## **2 Utility Notification Center of Colorado 1-800-922-1987 or 811**

### **2.1 Goal of Guidelines**

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

## **3 PROCEDURES FOR ARC APPROVAL**

### **3.1 General**

The procedures set forth in this Article 2 are intended to clarify the terms, provisions and requirements of Article 2 of the Declaration. In the event of any conflict between these Guidelines and the Declaration, the terms of Article 2 in the Declaration shall control. As indicated in Section 3 of these Guidelines, there are some cases in which advance written approval of the ARC is not required if the Guidelines with respect to that specific type of Improvement are followed. In 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.

### **3.2 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, 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, a landscape architect, or draftsman, and a simple drawing with dimensions and description will be sufficient. In the case of major improvements, such as room additions, structural changes or accessory building construction, detailed plans and specifications, prepared by a licensed architect, may be required. Whether done by the Owner, or professionally, the following guidelines should be followed in preparing drawings or plans:

- A. The drawing or plan should be done to scale and shall depict the property lines of your Lot and the outside boundary lines of the home as located on the Lot. If you have a copy of an improvement survey of your Lot obtained when you purchased it, this survey would be an excellent base from which to start.
- B. Existing Improvements, in addition to your home, should be shown on the drawing or plan and identified or labeled. Such existing Improvements include driveways, walks, decks, trees, shrubs, fences, etc. The proposed Improvements should be shown on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed Improvement, including the materials to be used and the colors. For Example: Redwood deck, ten (10) feet by twelve (12) feet with two inches by four inch (2"x4") decking and natural stain.
- C. The plan or drawing and other materials should include the name of the Owner, the address of the home, the lot, block and filing number of the Lot, and the e-mail address and telephone number where the Owner can be reached.
- D. The proposed Improvements must take into consideration the easements, building location restrictions and sight distance limitations at intersections.
- E. Owners should be aware that many Improvements require a permit from the City and County of Denver or other governmental entity. The ARC reserves the right to require a copy of such permit as a condition of its approval.
- F. In some instances, elevation drawings of the proposed Improvement will be required. The elevation drawings should indicate materials.
- G. Photographs of existing conditions and of proposed materials and colors are encouraged to be included, and are helpful to convey the intended design, but should not be used solely to describe the proposed changes.

### **3.3 Submission of Drawings and Plans**

If submitting physical copies, two copies of the drawing or plans (minimum acceptable size 8.5" x 11") must be submitted to the ARC along with a completed ARR.

If submitting electronically, the submission should be in PDF format and should be emailed to [pripko@sdms.com](mailto:pripko@sdms.com).

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.

### **3.4 Action by ARC**

The ARC will review plans submitted for approval. The ARC may require submission of additional information or material, and the request will be deemed incomplete until all required information and materials have been submitted. The ARC will act upon all complete 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 approved by the ARC.

### **3.5 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.

### **3.6 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.

### **3.7 Requirements for Initial Installation of Backyard Landscaping**

Within the time frames as hereinafter provided, subject to applicable "**force majeure**" delays as determined by the ARC, the Owner of each Unit (other than Developer or a Builder) shall install landscaping on all portion of the Unit which is not covered by a building or other Improvement, as well as on the tree lawn areas adjacent to such Unit, if applicable. The Owner of each Unit (other than Developer or a Builder) shall install landscaping on such Unit, and on adjacent tree lawn areas: within one hundred (180) days after acquisition of such Unit by such Owner, if said acquisition occurs between April 1 and July 31; or, by the following July 31 of the following year, if such acquisition does not occur between April 1 and July 31.

Landscaping plans must be submitted to the ARC for review and approval (which may be with conditions and/or requirements), and such approval must be obtained prior to the installation of landscaping. Each Owner shall maintain all landscaping on such Owner's Unit, and on adjacent tree lawn areas, in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds and debris, and replacement of landscaping.

Please note that it is not acceptable to leave any portion of the land as bare dirt, or to allow weeds to grow on the land, even behind fences.

### **3.8 Inspection of Work**

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

### **3.9 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.

### **3.10 Correction of Non-Compliance**

If the ARC determines that non-compliance exists, the Person responsible for such non-compliance shall remedy or remove the same within not more than forty-five (45) days from the date of receipt of the Notice of Non-Compliance. If such Person does not comply with the ruling within such period, the ARC shall notify the District, and the District may, at its option and if allowed by applicable law, record a notice of non-compliance against the Lot on which the non-compliance exists, may impose fines, penalties and interest, may remove the non-complying Improvement, or may otherwise remedy the non-compliance 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.

### **3.11 Amendment**

These Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, and modified, reenacted, or otherwise changed by the ARC, with the approval of the Person authorized to appoint the ARC, as changing conditions and/or priorities dictate.

### **3.12 Questions**

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

## **4 SPECIFIC TYPES OF IMPROVEMENTS / SITE RESTRICTIONS**

### **4.1 General**

The following is a listing, in alphabetical order, of a wide variety of specific types of Improvements which Owners typically consider installing, with pertinent information as to each. Unless otherwise specifically stated, drawings or plans for a proposed Improvement must be submitted to the ARC and written approval of the ARC obtained before the Improvements are made. In some cases, where it is specifically so noted, an Owner may proceed with the Improvements without advance approval if the

Owner follows the stated guideline. In some cases, where specifically stated, some types of Improvements are prohibited. ARC review and approval is required on any external items not be listed below.

**A. Variances**

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

**B. No Unsightliness**

No unsightly conditions can exist, including but not limited to, structures, facilities, equipment, and objects. Any equipment, including but not limited to snow removal equipment, garden or maintenance equipment, must be enclosed within a structure when not in use.

**C. 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.

**D. Liability**

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

**4.2 Accessory Buildings**

No storage sheds or accessory buildings are permitted on Lots; approval will not be granted.

A playhouse or play structure shall not be considered an accessory building and approval is required. However, existing setbacks required of the home must be observed when placing playhouses. A copy of the home's plot plan depicting the location of the proposed accessory building is required with the ARR.

**4.3 Additions and Expansions**

Approval is required. Additions or expansions must be constructed of wood, Masonite, glass, brick, stone, or other material as used in construction of the exterior of the home. The design must be the same or generally recognized as a complimentary architectural style meeting all design guidelines as may be applicable. Colors must be the same as that of the residence. Enclosed patios may not be more

than twenty five percent (25%) of the entire rear yard of the Lot unless otherwise approved by the ARC.

#### **4.4 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 residence.

#### **4.5 Air Conditioning Equipment**

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

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

No heating, air conditioning, air movement (e.g. swamp coolers) or refrigeration equipment shall be placed or installed on rooftops, or extended from windows. Ground mounted 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.

#### **4.6 Animals**

No animals, livestock (pigs, cattle, horses, goats, lamas, etc.), birds, poultry, reptiles or insects of any kind may be raised, bred, kept or boarded in or on the Units except as permitted by, and in compliance with, the ordinances of the City, as applicable, and any Guidelines and/or the Rules and Regulations that do not conflict with such the ordinances of the City, as applicable. An Owner's right to keep household pets is coupled with the responsibility for collecting and properly disposing of any animal waste and to pay for all damage caused by such pets.

#### **4.7 Artificial Turf**

See Section 3.89, Xeriscape

#### **4.8 Antennae/Satellite Dishes**

##### **A. 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, behind and below the fence line
  - (3) Rear yard or side yard, mounted on the house, in the least visible location below roofline
  - (4) Side yard in front of wing fence, screened by and integrated into landscaping
  - (5) Back rooftop
  - (6) Front yard screened by and integrated into landscaping
- B. If more than one (1) location on the 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.

**B. 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.

**4.9 Awnings**

Approval is required and Owners must comply with all requirements of the City and County of Denver. Awnings should be an integral part of the house or patio design. The color shall be complimentary to the exterior of the residence.

See Section 3.44, Overhangs/Sunshades/Awnings – Cloth or Canvas.



#### **4.10 Backyard Sport Pads.**

Approval is required. Backyard, concrete pads for “sport” type courts must be approved by the ARC. The ARC will consider backyard sport courts based on pad size, Lot size and proximity to other Lots. Sport equipment installed or stored on or around the pad must be maintained at all times in a neat and clean manner.

Sport pads may not be installed on side lots.

#### **4.11 Balconies**

See Section 3.19, Decks.

#### **4.12 Barbecue/Gas Grills**

Approval is required for all permanent or built-in structures. Approval is not required for portable units. All barbecue grills, smokers, etc. must be stored in the rear or side yard or within an enclosed structure, not visible from the front of the home.

#### **4.13 Basketball Backboards**

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

- A. Portable units cannot be placed in the public rights of way, streets, sidewalks or street lawns.
- B. Location must be in the driveway, at least half of the length of the driveway away from the street, or in the side or rear yard.
- C. Portable basketball backboards may be left out when not in use only if the backboard, hoop, and net are in good repair. Portable basketball backboards that are not in good repair, including the hoop and net, must be stored out of sight when not in use and may not be left out for more than 24 hours.
- D. Permanent garage or pole mounted basketball hoops are not permitted.

#### **4.14 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 3.71, Statues or Fountains.

#### **4.15 Birdhouses and Bird Feeders**

Approval is not required, subject to the following limitations. If installed in the rear or side 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.



#### **4.16 Carports**

Approval will not be granted.

#### **4.17 Clothes Lines and Hangers**

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

#### **4.18 Cloth or Canvas Overhangs**

See Section 3.44, Overhangs/Sunshades/Awnings – Cloth or Canvas.

#### **4.19 Decks**

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

The appropriate governmental permits may also be required.

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

Changes in grade or drainage pattern must not adversely affect adjoining properties and shall comply with drainage change requirements of the Declaration.

Upper-level decks shall be attached directly to the house. Only ground level decks may be approved as freestanding decks. Decks shall not extend beyond the Lot boundaries into any common area.

Depending on Lot location and orientation, decks should not project beyond the side walls of the house. The side walls of the house are defined as the major (structural) side walls and do not include bay windows, chimney enclosures, porches or other such projections. In certain situations, stairs and some portions of the deck may extend up to 4' beyond the side walls.

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

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

Decks may not be more than twenty five percent (25%) of the entire rear yard of the Lot unless otherwise approved by the ARC.

Enclosing a deck or balcony requires Approval, including support from affected neighbors.

Items placed on decks or balconies must adhere to the following:

- Decks and balconies shall not be used for storage, which includes, but is not limited to, cardboard boxes, storage boxes (with the exception of deck boxes, described below), items stored in plastic bags, clothing racks<sup>1</sup>, auto parts, tires, kitchen appliances, or tools. Bicycle storage is permitted.
- Patio furniture should be designed for outdoor use and resistant to the effects of weather. Furniture designed for indoor use is susceptible to fading, degradation, and attracting vermin and is therefore not allowed on decks or balconies.
- Storage sheds (whether prefabricated or built on site) are not allowed on decks or balconies, with the exception of deck boxes, the dimensions of which do not exceed 62" L x 29" W x 26" H. For decks smaller than 240 square feet, only one deck box would be allowed. For larger decks, the total area occupied by deck boxes should not exceed 7.5% of the surface area. Colors should conform to the color of the building.
- Gazebos, pergolas, screens, trellises, and other such installations on decks or balconies must be approved by adjacent homeowners and cannot exceed 10 feet in height and must be harmonious to the primary dwelling.
- If a grill or other heat-producing device is placed on a deck or balcony on a building having more than 2 dwelling units, it must adhere to Denver Fire Code regarding "Barbecues, Propane and Heat-Producing Devices on Balconies."<sup>2</sup> The essential components of Fire Code are as follows:
  - No gas-fired grills, charcoal grills or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any overhanging portion or within 10 feet (3 m) of any structure.
  - Exceptions:
    - a) One and 2 family dwellings.
    - b) LP-gas burners having an LP-gas container with a water capacity not greater than 2.5 pounds [nominal 1-pound (0.454kg) LP-gas capacity]. Two extra 1 pound LP-gas containers may be stored on the balcony.
    - c) Listed natural gas appliances shall be permitted on balconies when installed in accordance with the International Fuel Gas Code and supplied by the building's natural gas system.
    - d) Listed electric ranges, grills or similar electrical apparatus shall be permitted.

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<sup>1</sup> Clotheslines on decks and balconies must adhere to the restrictions described under Clotheslines.

<sup>2</sup> Go to <https://www.denvergov.org/content/denvergov/en/fire-department-home/safety-information/home-fire-safety.html> and click on "Balcony Grills and Barbeques."

#### 4.20 Dog Houses

Approval is required. Dog houses are restricted to ten (10) square feet and must be located in a fenced back or side yard or dog run. Dog houses must be installed at ground level, and must not be visible above the fence. Dog houses must also match the colors and materials of the exterior of the home. Limit of one dog house per Lot.

#### 4.21 Dog Runs

Approval is required. Dog runs must be located in the rear or side yard, abutting the home and substantially screened from view by planting fast-growing or mature trees or shrubs. Dog runs will be limited to two hundred (200) square feet, unless a variance is granted by the ARC. Dog run fences should be left natural in color and sealed to prevent weathering. The ARC may adopt approved heights, stains and configurations for fencing. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

#### 4.22 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 on townhomes).

- A. Storm Doors. Approval is not required for storm doors as long as the door is complimentary with the color scheme of the home. Owners wishing to utilize a different color must first obtain approval.
- B. Security Doors and Windows. Approval is not required for the installation of the pre-approved security doors as specified in Exhibit B. Security doors installed in the townhomes must be white. All other security or security-type doors and windows must be approved prior to installation. All Security doors installed in the single family homes must match the trim of the house.

#### 4.23 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. When installing your landscaping, 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 or alley. The ARC may require a report from a drainage engineer as part of landscaping or 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, could result in substantial legal and financial liability to the Owner that caused the drainage issue.**

#### 4.24 Driveways and Parking

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

#### 4.25 Evaporative Coolers

Approval is required. No rooftop or window mount installations are allowed. See Section 3.5, Air Conditioning Equipment.

#### 4.26 Exterior Lighting

See Section 3.40, Lights and Lighting.

#### 4.27 Fences

##### A. General Statement

Fences constructed by the Developer or Builder on the Owner's lot along or abutting property lines, arterial streets, collector streets, and local streets may not be removed, replaced, painted/stained a different color or altered, including, adding a gate, without approval of the ARC.

**Most of the fences constructed by the Developer or Builder are located on the Owners property (within the lot lines) and are to be maintained (repaired, replaced if necessary and re-stained as necessary) by the Owner of the property the fence is located on. Owners' shall repair or recondition fences located on their property at their own expense and as necessary and or required by the ARC and/or Denver Connection West Metropolitan District.**

##### B. Placement of Fences

Fences should not be installed within five feet of an alleyway, to prevent interference with snow removal or obstruct line-of-sight for vehicles backing into alleys.

##### D. Fence Designs

All fences not installed by the Developer and/or Builder that are to be installed by an Owner require approval of the ARC and shall comply with the exact fence specifications attached as Exhibit A or other design guidelines as may be adopted by the ARC. Double fencing of property lines shall not be permitted.

Please see Exhibit A for example of approved fencing per the ARC.

##### E. Stain Color/Maintenance

All Fences installed by Owners' are required to be stained the color - "SEAGULL GRAY" GS224 "SOLID GRAIN STAIN" MANUFACTURED BY DIAMOND VOGEL.

All fences constructed by Owners' on Lots shall be maintained in good condition and repair by the Owner. Fences installed by Owners' on their lot will be owned and maintained by the Owner. **Fences installed by the Developer and/or Builder are located on Owners lots will be owned and maintained by the Owner of that lot the fence is located on.** In the event any fences installed are installed on common area by the Developer and/or Builder will be owned and maintained by the Denver Connection West Metropolitan District.

**F. [Reserved]**

**G. Prior Approved Fencing**

Replacement of any existing fencing must comply with the attached Exhibit A or the then current guidelines or ARC adopted standards related to fencing.

**H. Pet Fencing**

Pet fencing may include any invisible fence on or within the perimeter boundary of an Owner's lot. **Wire mesh fencing is not permitted or necessary as the approved fencing style for the community is a solid fence.** See Exhibit A for example of approved fencing to be used in the community.

See Section 3.20, Dog Houses and Section 3.21, Dog Runs.

**4.28 Fire Pits**

Approval is required. The only fire pits that are permitted are those powered by propane or natural gas and they must be more than 10 feet from any structure, or combustible materials.

**4.29 Firewood Storage**

All firewood must be located in the side or rear yard, must be neatly stacked, shall not be visible from any street or the ground level of any other Lot, and must not be located so as to block established drainage patterns.

**4.30 Flags/Flagpoles**

Approval is required for any freestanding flagpole.

Approval is not required for flagpoles mounted to the front of the residence provided that the flags displayed thereon (if other than an American Flag) are temporary in nature and are only displayed on holidays or in celebration of specific events. They must not be placed earlier than forty-five (45) days prior to the start of the particular holiday/event or celebration and must be removed no later than thirty (30) days following the particular holiday/event or celebration. Under no circumstance may the height of the flagpole exceed the height of the roofline of the residence. Flag size cannot exceed five (5) feet in length and three (3) feet in width.

American Flags: Owners shall be permitted to display an American flag in accordance with the Federal Flag Code (P.L.,94-344, 90stat.810;4U.S.C. SECS 4 to 10) and as follows:

**A.** The flag shall be no larger than three (3) feet by five (5) feet.

- B. The flag may be displayed in a window or from a flagpole projecting horizontally from a location on the front of the dwelling.
- C. Flags and/or flagpoles shall be replaced as necessary in order to prevent wear and tear.
- D. Flags may not be illuminated without prior written approval of the ARC. Any request for lighting must detail the type and location of lighting. Lighting shall be placed so as not to disturb Owners of neighboring Lots.

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

#### **4.31 Gardens – Flower or Vegetable**

Approval is not required for flower or vegetable gardens that do not exceed one hundred fifty (150) total square feet. All flower gardens must be weeded, cared for and maintained. Vegetable gardens shall be located in the rear or side yard and should not be placed nor will be allowed within 5 feet of the foundation of the home. Placement closer than 5 feet poses a substantial risk of water damage to foundations, repairs to which are entirely the responsibility of the Owner, and could result in voiding of warranties.

#### **4.32 Gazebos**

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

#### **4.33 Grading and Grade Changes**

Owners are not permitted to alter the approved grading design of the lot so as to alter the drainage pattern of the lot. See Section 3.23, Drainage

#### **4.34 Greenhouses**

Approval is required, and they must be placed in side or rear yards. Generally, greenhouses are discouraged due to the extensive maintenance required. Approval will be based upon but not limited to general aesthetics, quality and permanence of materials used. Adequate screening will be required.

#### **4.35 Hanging of Clothes**

See Section 3.17, Clothes Lines and Hangers.

#### **4.36 Hot Tubs and Jacuzzis**

Approval is required. Hot tubs and Jacuzzis must be an integral part of the deck or patio area and of the rear yard landscaping, and be installed in such a way that it is not immediately visible to adjacent property Owners and that it does not create an unreasonable level of noise for adjacent property Owners. Hot Tubs are not permitted in side yards. In some instances, additional plant material around the hot tub may be required for screening. Non-vegetative screening materials should match or



complement the house or deck structure. Prefabricated hot tub enclosures will be evaluated on a case-by-case basis, and may require additional plant material screening.

#### **4.37 Kennels**

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

Also see Section 3.21, Dog Runs.

#### **4.38 Landscaping**

Within the time frames as hereinafter provided, subject to applicable "**force majeure**" delays as determined by the ARC, the Owner of each Unit (other than Developer or a Builder) shall install landscaping on all portion of the Unit which is not covered by a building or other Improvement, as well as on the tree lawn areas adjacent to such Unit. The Initial Owner of each Unit (other than Developer or a Builder) shall install landscaping on such Unit, and on adjacent tree lawn areas, within one hundred (180) days after acquisition of such Unit by such Owner, if said acquisition occurs between April 1 and July 31; or, by the following July 31, if such acquisition does not occur between April 1 and July 31. Any alterations from the initial plan must be approved prior to installation.

Approval is required for installation or modification of landscaping. All Owners must comply with any applicable landscaping requirements of the County and the City. The plot plan of the residence and yard must be provided at a measurable scale. All organic materials (plants, shrubs, trees, etc.), building materials (stone, wood, edging, etc.), must be clearly labeled in detail. Bushes, trees, and sod may not be planted closer than 5 feet to any building foundation; planting closer than 5 feet poses a substantial risk of water damage to foundations, repairs to which are entirely the responsibility of the Owner, and could result in voiding of warranties. In planting near alleys, sidewalks, and other common elements, Owners should carefully choose plant varieties that are less likely to cause root damage. Owners will be held financial responsible for repairs caused by roots or other effects of landscaping.

In planning for landscaping, Owners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Owners should not construct any Improvements (including laying concrete sidewalks or planting large trees) 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 or 811.

The ARC may adopt approved landscape requirements and standards, and all new landscape installations and improvements must meet said requirements. Owners are responsible for compliance with all applicable laws.

Each Owner shall maintain all landscaping on such Owner's Unit, and on adjacent tree lawn areas, in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds and debris, and replacement of landscaping.

#### **4.39 Leases**

The term "**lease**," as used herein, includes any agreement for the leasing or rental of a Unit, or any portion thereof, and shall specifically include month to month rentals and subleases, but not leases having a term of less than 30 days except if the Owner of a Unit enters into a lease-back of the Unit in connection with such Owner's sale of the Unit that will permit such Owner to continue

occupying the Owner's Unit after the closing of the sale of the Unit. Any Owner shall have the right to lease his Unit, or any portion thereof, as long as all leases provide that the lease, and lessee's occupancy of the leased premises, are subject in all respects to the Governing Documents; and that any failure by the lessee to comply with any of the Governing Documents, in any respect, constitutes a default under the lease.

#### **4.40 Lights and Lighting**

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

Approval is required to modify builder installed lighting fixtures or to add exterior lighting.

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

- A. Considerations will include, but may not be limited to, the visibility, style and location of the fixture.
- B. Exterior lighting for security and/or other uses must be directed at the ground and house, whereby the light cone stays within the property boundaries and the light source does not cause glare to other properties (bullet type light fixtures are recommended).
- C. Ground lighting along walks must be maintained in a working and sightly manner. Low- voltage or solar powered ground lighting fixtures which are typically affixed by stakes or similar posts are to be maintained in good aesthetic repair, be functional, not be a tripping or other physical hazard along pedestrian pathways, and remain generally vertical in their presentation.
- D. Holiday lighting and decorations do not require approval. It is required that they not be installed more than thirty (30) days prior to the holiday. They shall be removed within thirty (30) days following the holiday.

#### **4.41 Lights, Sounds and Odors**

No light shall be emitted which is unreasonably bright or causes unreasonable glare; no sound shall be emitted from any Unit which is unreasonably loud or annoying; and no odor shall be permitted from any Unit which is noxious or interferes with the reasonable and peaceful enjoyment or possession of another Unit by occupant thereof.

#### **4.42 Nuisances**

No nuisance is permitted which is visible within or otherwise affects any portion of the Property, nor any use, activity or practice which interferes with the peaceful enjoyment or possession and proper use of any Unit, or any portion thereof, by its residents. Construction activity performed by the Developer, approved Builders', the Metropolitan District or any entity approved by the ACR performing activities related to development of the property and/or Units, Lot or other structures are exempt from this section.

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

Approval is not required for yard ornaments which are installed in the side or 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 3.71, Statues or Fountains.

#### **4.44 Overhangs/Sunshades/Awnings- Cloth or Canvas**

Approval is required. An overhang should be an integral part of the house or patio design. The color must be the same as, or generally recognized as, a complementary color to the exterior of the residence. A swatch of material to be used must be provided with the review submittal.

See Section 3.46, Patio Covers.

#### **4.45 Painting**

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

#### **4.46 Patio Covers**

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

#### **4.47 Patios – Enclosed**

See Section 3.3, Additions and Expansions.

#### **4.48 Patios – Open**

Approval is required. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property Owners. In some instances, additional plant material around the patio may be required for screening or integration into the landscape design. The patio and materials must be similar or generally accepted as a complementary color and design to the residence.

Patios may not be more than twenty five percent (25%) of the entire rear yard of the Lot unless otherwise approved by the ARC.

See Section 3.19, Decks.

#### **4.49 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.

See Section 3.24, Driveways.

#### **4.50 Pipes**

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

#### **4.51 Play Structures and Sports Equipment**

Approval is required, and they must be placed in a side or rear yard. Consideration will be given to adjacent properties (a minimum five (5) foot setback from the property line, is required for trampolines, swing sets, fort structures, etc.) so as not to create an undue disturbance. In some instances, additional plant material around the equipment may be required for screening. Wood structures must be constructed of pressure treated or other weather resistant materials. All play equipment must be maintained in a good and sightly manner. The use of multi-colored permanent cloth/canvas tarps will be considered on a case by case basis and consideration will be given to the colors requested so as to not be unsightly to adjacent residences. Height of any play structure or sports equipment may not exceed twelve (12) feet.

Recreational and other sports equipment must be stored out of view when not in use.

#### **4.52 Playhouses**

Approval is not required if a structure is less than twenty-four (24) square feet and less than six (6) feet high, from highest point to the ground. They must be placed in a side or rear yard.

Approval is required for structures greater than twenty-four (24) square feet and/or greater than six (6) feet high, from the highest point to the ground.

See Section 3.2, Accessory Buildings.

#### **4.53 Poles**

See Section 3.30, Flags/Flagpoles.

#### **4.54 Ponds and Water Features**

Approval is required. Considerations by the ARC will include, but not be limited to, the following criteria:

- A. Must be integrated into landscape scheme.
- B. Setback shall be a minimum of five (5) feet from all property lines.
- C. Must not affect existing drainage on the lot or off the property.

**D.** Must be maintained at all times.

#### **4.55 Pools**

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

See Section 3.36, Hot Tubs and Jacuzzis.

#### **4.56 Radio Antennae**

See Section 3.8, Antennae/Satellite Dishes.

#### **4.57 Radon Mitigation Systems**

Approval is required. 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.

#### **4.58 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 and color that exist on the building.

#### **4.59 Rooftop Equipment**

Approval is required but generally will not be allowed. 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 3.69, Solar Energy Devices.

#### **4.60 Satellite Dishes**

See Section 3.8, Antennae/Satellite Dishes.

#### **4.61 Saunas**

See Section 3.2, Accessory Buildings.

#### **4.62 Screen Doors**

See Section 3.22, Doors.



#### **4.63 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 3.37, Lights and Lighting.

#### **4.64 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.

#### **4.65 Sheds**

See Section 3.2, Accessory Buildings.

#### **4.66 Shutters – Exterior**

Approval is required and generally will not be approved if the shutters are not of the same design, material and/or color as originally installed by the Builder. New proposed 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).

#### **4.67 Siding**

Approval is required.

#### **4.68 Signs**

Approval is not required for one (1) temporary sign advertising property for sale or lease or one (1) open house sign, which shall be no larger than five (5) square feet and which are conservative in color and style; one (1) yard/garage sale signs which is no larger than 36” x 48”; and/or burglar alarm notification signs, ground staked or window mounted which are no larger than 8” x 8” Such signs may be installed in the front yard or on the back yard fence of the Lot.

Political signs (defined as signs that carry a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue) may be displayed no earlier than 45 days prior to an election and must be removed within 7 days of the election. No more than one (1) sign per political office of ballot measure may be maintained on an individual lot. Political signs shall not exceed 36” by 48” in size.

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

#### **4.69 Solar Energy Devices**

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

#### **4.70 Spas**

See Section 3.36, Hot Tubs and Jacuzzis.

#### **4.71 Statues or Fountains**

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

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

See Section 3.14, Birdbaths and Section 3.43, Ornaments/Art – Landscape/Yard

#### **4.72 Storage Sheds**

Approval will not be given.

See Section 3.65, Sheds and Section 3.2, Accessory Buildings.

#### **4.73 Sunshades**

See Section 3.44, Overhangs/Awnings – Cloth or Canvas and Section 3.46, Patio Covers.

#### **4.74 Swamp Coolers**

See Section 3.5, Air Conditioning Equipment, Section 3.25, Evaporative Coolers, and Section 3.59, Rooftop Equipment.

#### **4.75 Swing Sets**

See Section 3.51, Play Structures and Sports Equipment.

#### **4.76 Television Antennae**

See Section 3.8, Antennae/Satellite Dishes.

#### **4.77 Trash and Materials, Restrictions**

No refuse, garbage, trash, lumber, grass, shrubs or tree clippings, plant waste, metal, bulk materials, scrap or debris of any kind shall be kept, stored, or allowed to accumulate on a Lot or a street, unless placed in a suitable covered container or trash bin that is suitably located solely for the purpose of trash or recycling pickup. Further, no trash or materials shall be permitted, to accumulate in such a manner as to be visible from any Unit All equipment for the storage or disposal of such materials

shall be kept in a clean and sanitary condition. No trash cans, trash bins or other trash or recycling receptacles shall be maintained in an exposed or unsightly manner. Finally, trash removal and recycling services may be subscribed to by the Metropolitan District on behalf of the residents of all or any portion of the Property and, if so, the Board of the Metropolitan District may determine the scope, frequency, and all other matters, with regard to such trash removal and recycling services; and the Owners shall pay their proportionate share of such trash removal and recycling services, as determined by the Board of the Metropolitan District. This section shall not be construed to prevent composting.

Trash cans/bags can be out from 6:00 p.m. the night before collection day to noon the day after collection day. When not out for collection, trash cans/bags must be stored out of view.

#### **4.78 Tree Houses**

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

#### **4.79 Units to be Maintained**

Each Lot (including adjacent tree lawn area(s)) and the Improvements thereon shall at all times be maintained, repaired and replaced in a good, clean and slightly condition by the Owners of such Lot. Any concrete foundation components and concrete post-tension slab that is installed as part of the construction of any Units on the Property or any geogrid extending underground from any retaining wall on or adjacent to a Lot shall not be cut, drilled, removed or modified by any Owner unless such work is performed in accordance with plans prepared by a licensed structural engineer and any requirements of the ARC. Maintenance includes but is not limited to paint, roofing, windows and landscape.

#### **4.80 Vehicular Parking, Storage and Repairs**

- A. Mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camper trailers, boats and other watercraft, recreational vehicles and boat trailers may only be parked in enclosed garages or specific areas, if any, which may be designated by the ARC, but this restriction shall not prevent the parking of such vehicles as a temporary expedient for loading, delivery or emergency. No parking is allowed on any landscaped area. Stored vehicles and vehicles which are inoperable or do not have current operating licenses are not permitted on the Property except within enclosed garages. For purposes of this Section, the ARC may determine whether a vehicle is considered "stored". For example, a vehicle may be considered to be "stored" if it is up on blocks or covered with a tarp and remains on blocks or so covered for seventy-two (72) consecutive hours without the prior approval (which may be with conditions and/or requirements) of the ARC.
- B. No activity, including maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicles, trailers or boats, may be performed or conducted in the 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 property. Any Owner or other Person undertaking any such activities shall be solely responsible for, and assumes all risks of: such activities, including adoption and utilization of any and all necessary safety measures, precautions and ventilation. However, the foregoing restrictions do not prevent washing and polishing of any motor vehicle, boat, trailer, motor-driven cycle, or other vehicle on a Unit, together

with those activities normally incident and necessary to such washing and polishing.

- C. In the event the ARC or the Board of the Metropolitan District determines that a vehicle is parked or stored in violation of subsections 3.7.1 or 3.7.2 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 ARC or the Board of the Metropolitan District, then the ARC or the Board of the Metropolitan District may have the vehicle removed at the sole expense of the owner thereof.
- D. Garages shall not be converted for habitable living space or for storage which prevents the parking of automobiles therein. No Owner or occupant of a Unit and no invitee of an Owner or occupant shall park or permit to be parked any vehicle upon any street or driveway or elsewhere in such a manner as to block, impair or impede access to and from another Owner's garage.
- E. DEVELOPER, EACH BUILDER, THE METROPOLITAN DISTRICT, AND THE ARC, HEREBY DISCLAIM ANY AND ALL OBLIGATIONS REGARDING, RELATING TO OR ARISING OUT OF, THE PERFORMANCE OF ANY MAINTENANCE, SERVICING, REBUILDING, REPAIR, DISMANTLING, OR REPAINTING OF ANY TYPE OF VEHICLE, BOAT, TRAILER, MACHINE OR DEVICE OF ANY KIND, BY ANY OWNER OR OTHER PERSON.

#### **4.81 Vanes**

See Section 3.85, Weather Vanes and Directionals.

#### **4.82 Vents**

See Section 3.59, Rooftop Equipment.

#### **4.83 Walls**

See Section 3.27, Fences and Section 3.84, Walls, Retaining.

#### **4.84 Walls, Retaining**

Approval is required except that an Owner may replace a builder-installed wall with like material.

New or old creosote treated timber railroad ties are prohibited. All retaining walls should be constructed of brick, stone, or other materials of an appearance compatible with the primary building. Existing grading patterns must not be affected.

#### **4.85 Weather Vanes and Directionals**

Approval is required.

#### **4.86 Wind Electric Generators**

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

#### **4.87 Windows Replacement**

Approval is not required when replacing with identical windows if installed correctly according to manufacturer's instructions. If changing styles, considerations will include, but may not be limited to, size, color, existing and proposed window style and style of home.

If you want to change the color, design or materials of one or more windows, the general standard is that all windows on a single side of a structure must be similar or complementary. Approval consideration of Design Review Request Form for window replacement will be dependent upon general aesthetics, design symmetry and overall curb appeal.

When adding new windows (for additions / expansions), the windows shall be consistent with the scale, spacing and proportions typical of the existing structure and adjacent properties. Design accent and special purpose windows (e.g., round / fan windows, bay windows, green houses) will be considered based upon overall design appeal

Reflective and mirrored glass with a visible reflectivity greater than ten (10) percent is prohibited. Where reflective glass is used, such glass shall be gray, bronze, or other similar neutral shade. The use of silver, gold, blue, green or highly-mirrored surfaced glass is prohibited.

Exterior window frames shall be compatible with the exterior color of the house. Window frames other than wood shall be either anodized, electrostatically-painted, fiberglass or vinyl clad. Unpainted aluminum window frames are prohibited. Wood frames shall be painted, sealed or stained.

Windows with embedded blinds or shades will be considered given that they complement the architectural style and color of the structure. They must be maintained and kept in good working order.

Windows shall be maintained in good condition.

Window screens shall be maintained in good working condition, free of tears, rust and dents.

Screens, shutters or shades that are exterior to the window(s) require Approval. Approval consideration of exterior screens, shutters and/or shades is contingent upon general aesthetics, design symmetry and overall curb appeal.

#### **4.88 Windows: Tinting, Security Bars, Well Covers, etc.**

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

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

Approval is required for security bars and generally will not be approved.

#### **4.89 Xeriscape**

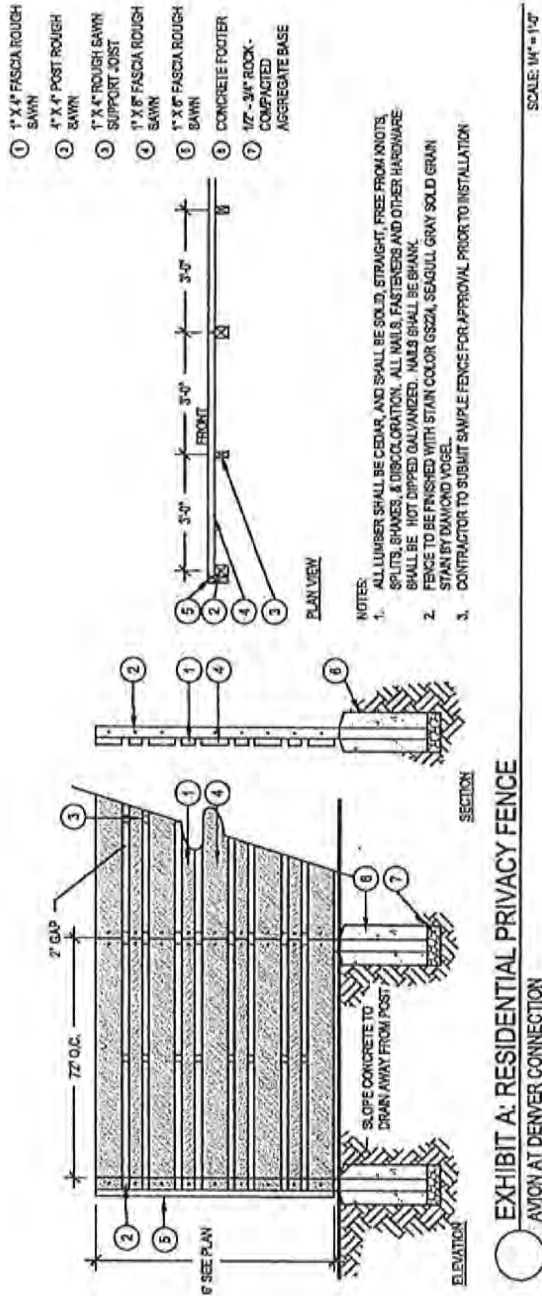


Approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, the design must be approved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch will be allowed in place of green, growing plant material. Artificial turf is permitted with the following guidelines:

- A. The synthetic turf must be natural in appearance and integrated into the overall landscape design in a natural looking manner, so as not to appear as a sports field and it shall not be installed directly adjacent to the property line.
- B. The general appearance of the synthetic turf must be designed and installed in such a manner as to effectively simulate the appearance of a well-maintained lawn.
- C. The synthetic turf uniformity must be maintained for all areas.
- D. No synthetic turf shall be installed or approved in the front yard and/or the tree lawn area.
- E. Turf must have a minimum of an 8-year product warranty and the warranty shall not be limited to the amount of usage, lawn elevation, nor the type of footwear that can be worn.
- F. Installation must assure adequate drainage, must have an adequate subgrade, be properly secure
- G. Be free of ripples or showing of seams, have finished edges, and be securely attached to prevent lateral movement.

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# EXHIBIT A PRIVACY FENCES



○ EXHIBIT A: RESIDENTIAL PRIVACY FENCE  
AMON AT DENVER CONNECTION

**EXHIBIT B  
FENCE STAIN**

**Product Name:**

Grain Stain Exterior Solid Latex Stain (Product Code: BT1504)

**Color Name:**

GS224SO  
Seagull SO

**Product Details:**

Product is available in 1 gallon cans or 5 gallon pails.

Price per gallon is below:

(Subject to change)

1 gallon cans: \$31.99 per gallon

5 gallon pails: \$31.69 per gallon

**Store Location and Information:**

(Subject to change)

Diamond Vogel Paint

4500 East 48<sup>th</sup> Ave

Denver, CO 80216

(303) 333-3117

Hours:

Monday – Friday, 7:00 a.m. – 5:00 p.m.

Saturday, 8:00 a.m. – 12:00 p.m.



# Grain Stain

## Exterior Solid Latex Stain

### Product Data Sheet

#### PRODUCT DESCRIPTION

Grain Stain Solid Latex Stain is a high quality exterior 100% acrylic stain that dries to a durable, blister resistant, breather type finish. Its excellent fade resistance allows colors to remain beautiful for years.

#### TYPICAL USES

Formulated for use as a finish coat on a variety of residential and commercial exterior surfaces. These include previously stained or painted exterior wood, hardboard, cement board and masonry surfaces. Suitable for use on siding, trim and fences. Grain Stain Solid Latex Stain is self priming on bare exterior wood surfaces. Two coats are recommended for optimum performance and uniformity.

#### BASES & COLORS (tintable with ACS colorant)

BT-1504 Light Base 0-6 oz/gal  
BT-1503 Dark Base 4-10 oz/gal  
BT-9502 Black Base 0-6 oz/gal

#### PHYSICAL PROPERTIES (BT-1504)

Resin Type 100% Acrylic  
Clean-up Solvent Water  
Finish 0-5 @ 85°  
Solids by Weight 49 %  
Solids by Volume 38 %

Recommended Dry Film Thickness per Coat 1.5-2 mils

Wet Film to Achieve DFT 4-5 mils

Theoretical Coverage @ 1 mil 610 ft<sup>2</sup>/gallon

Practical Coverage at Recommended DFT<sup>1</sup> 305-407 ft<sup>2</sup>/gallon

Dry Times<sup>2</sup>  
@ 70° F (21° C) and 50% R.H. Touch 1/2-2 hours  
Recoat 2-4 hours

VOCs 126 grams/liter  
(Range from 93-126 depending on color and base)

1 Spread rates are estimates based on product volume solids and make no allowance for material loss during application. Actual spread rates may vary depending on applicator operation, surface porosity and texture.

2 Dry times may vary depending upon temperature, humidity and degree of air movement.

#### SPECIFICATIONS

##### Exterior Wood/Plywood

2 cts Grain Stain Exterior Solid Latex Stain  
or  
1 ct Grain Stain Exterior Solid Oil Stain  
2 cts Grain Stain Exterior Solid Latex Stain

##### Block

###### Smooth

2 cts Grain Stain Exterior Solid Latex Stain  
Or  
1 ct Any BU-Series Acrylic Latex Primer  
2 cts Grain Stain Exterior Solid Latex Stain

###### Porous

1 ct Any BF-Series Exterior Block Filler  
2 cts Grain Stain Exterior Solid Latex Stain

##### Poured Concrete

1 ct Any BU-Series Acrylic Latex Primer  
2 cts Grain Stain Exterior Solid Latex Stain

##### Cement Siding

###### Pre-primed

2 cts Grain Stain Exterior Solid Latex Stain

###### Unprimed

1 ct Any BU-Series Acrylic Latex Primer  
2 cts Grain Stain Exterior Solid Latex Stain

This product meets or exceeds Master Painters Institute (MPI) #16 approval standards.

This data sheet provides general recommendations and not intended to limit the use of this product. Test areas are always recommended to confirm results. For more detailed recommendations, please contact your local Diamond Vogel Sales Representative.

### **SURFACE PREPARATION**

All surfaces must be cured, clean, sound, dry and free of all dirt, dust, efflorescence, wax, oil, grease, chalk and any other contamination that would interfere with new coating adhesion. Bare surfaces must be properly prepared prior to application of this product.

#### **Wood Surfaces**

Patch nail holes, cracks and imperfections with exterior spackling compound. Sand and wipe clean. Woods subject to tannin bleeding should be primed with a stain blocking primer (BU-Series Sure Grip or AU-Series Alkyd Primer).

#### **Masonry Surfaces- Poured Concrete, Concrete Block**

New concrete and mortar should cure for a *minimum* of 30 days at 72° F (22° C) prior to coating application. Level all surface projections and mortar spatters by stoning. Rake mortar joints clean and remove all soluble salts.

**Cement Board** Be sure surface is clean and free of all contaminants.

#### **Previously Painted Surfaces**

- Power or hand washing is recommended to remove contamination. If oil or grease is present, use of a cleaner/degreaser is required. All cleaning residue must be completely rinsed from the surface. Allow to dry.
- Remove all loose coatings and corrosion by scraping, sanding or other abrading method. Dull glossy, slick and/or non-porous surfaces with sandpaper.
- Patch and fill areas as needed. Spot prime bare areas with appropriate primer.

#### **Mildew**

Remove by using a solution of one (1) part household bleach and three (3) parts water. Apply to mildewed area and scrub. Allow solution to remain on the surface for 3 to 5 minutes then rinse completely and allow to dry before coating application. Do not add ammonia to the bleach/water solution.

### **APPLICATION**

- Stir material prior to application. Internix tinted containers to ensure color uniformity of all material.
- Equipment must be clean prior to start. Flush airless lines with clean water.
- Apply by brush, roller or spray. A good quality synthetic brush will make application easier. Select a roller cover suited for the texture of the surface to be coated. Airless tip sizes of .015 to .017 are recommended.
- Apply the product in full even coats and maintain a wet edge. Allow the product to dry between coats.
- Do not thin

### **ENVIRONMENTAL VARIABLES**

Protect product from freezing prior to and during application. Minimum surface and air temperature required for application is 50° F (10° C) and at least 5° F (3° C) above the dew point. Curing is affected by temperature, humidity and air movement. The minimums must be maintained for at least eight (8) hours in order to achieve proper film formation. Application at elevated temperatures, wind conditions, and/or low humidity may require special application procedures to achieve proper film formation.

### **CLEAN-UP**

Clean up spills immediately with soap and warm water. Clean hands and tools immediately after use with soap and warm water. After cleaning, flush spray equipment with mineral spirits to prevent rusting of the equipment.

### **CAUTIONS**

For exterior use only

Do not apply below 50° F

Not intended for use on floors

Do not take internally

Use with adequate ventilation

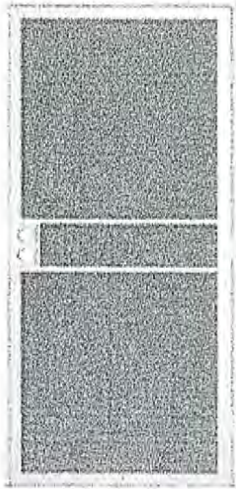
**KEEP OUT OF REACH OF CHILDREN**

**\*WARNING!** If you scrape, sand, or remove old paint, you may release lead dust. LEAD IS TOXIC. EXPOSURE TO LEAD DUST CAN CAUSE SERIOUS ILLNESS, SUCH AS BRAIN DAMAGE, ESPECIALLY IN CHILDREN. PREGNANT WOMEN SHOULD ALSO AVOID EXPOSURE. Wear a NIOSH-approved respirator to control lead exposure. Clean up carefully with a HEPA vacuum and wet mop. Before you start, find out how to protect yourself and your family by contacting the National Lead Information Hotline at 1-800-424-LEAD or log on to [www.epa.gov/lead](http://www.epa.gov/lead).

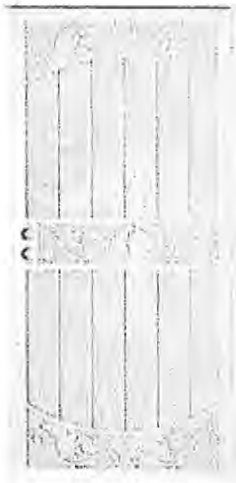
#### **Limited Warranty**

The technical data and suggestions for use contained in this document are true and correct to the best of our knowledge at the date of issuance. The statements of this document do not constitute a warranty, expressed or implied, as to the performance of these products. Since Diamond Vogel does not control the application of its products, or the condition of the surfaces to which they are applied, Diamond Vogel's liability will under no circumstances exceed replacement of the product.

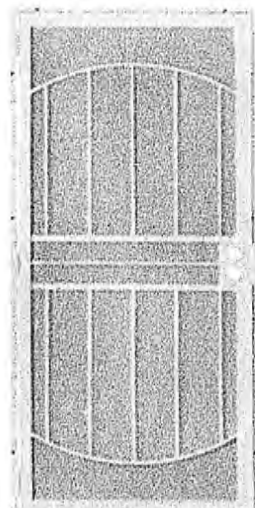
**EXHIBIT C  
SECURITY DOORS**



White Surface Mount ClearGuard Security Door with  
Meshtec Screen



La Entrada White Surface Mount Outswin  
Steel Security Door with Perforated Metal Screen



Arcada White Surface Mount Outswing Steel Security  
Door with Expanded Metal Screen



**APPENDIX A  
ARCHITECTURAL REVIEW REQUEST FORM**

Denver Connection West Metropolitan District  
SDMS, Inc.  
141 Union Blvd, Ste 150  
Lakewood, CO 80228

<b>FOR OFFICE USE ONLY</b>
Date Received: _____
Crucial Date: _____
Date Sent to ARC: _____
Response Received: _____

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE(S):** \_\_\_\_\_

**E-MAIL:** \_\_\_\_\_

**My request involves the following type(s) of improvement(s):**

- |  |   |                                       |
|--|---|---------------------------------------|
| <input type="checkbox"/> Landscaping     | <input type="checkbox"/> Drive/Walk Addition  | <input type="checkbox"/> Fencing      |
| <input type="checkbox"/> Deck/Patio Slab | <input type="checkbox"/> Patio Cover          | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Roofing         | <input type="checkbox"/> Painting             |                                       |
| <input type="checkbox"/> Painting        | <input type="checkbox"/> Basketball Backboard |                                       |

Please describe proposed improvements in the area below or on a separate sheet.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Include two copies of your plot plans, and describe improvements showing in detail what you intend to accomplish (see Article 2 of the Rules and Regulations of Denver Connection West). Be sure to show existing conditions as well as your proposed improvements and any applicable required screening (see the Rules and Regulations for requirement details for your specific proposed Improvement).

I understand that I must receive approval from the ARC in order to proceed with installation of Improvements if Improvements vary from the Rules and Regulations or, are not specifically exempt. I understand that I may not alter the drainage on my lot. I understand that the ARC is not responsible for the safety of Improvements, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations, and that I may be required to obtain a building permit to complete the proposed Improvements. The ARC and the members thereof, as well as the District, the Board of Directors, or any representative of the ARC, shall not be liable for any loss, damage or injury arising out of or in any way connected with the performance of the ARC for any action, failure to act, approval, disapproval, or failure to approve or disapprove submittals, if such action was in good faith or without malice. All work authorized by the ARC shall be completed within the time limits established specified below, but if not specified, not later than one year after the approval was granted. I further understand that following the completion of my approved Improvement the ARC reserves to right to inspect the Improvement at any time in order to determine whether the proposed Improvement has been completed and/or has been completed in compliance with this Architectural Review Request.

Date: \_\_\_\_\_ Homeowner's Signature: \_\_\_\_\_

**ARC Action:**

- Approved as submitted
- Approved subject to the following requirements:
  
- Disapproved for the following reasons:

All work to be completed no later than: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Submittal Fees may be charged on the following schedule for each submittal based upon recommendation by the Design Review Committee:

- Landscape Review and/or Fence Review - \$50
- A Main Building Addition, Deck, Patio, Site Plan, Footprint (including Driveway) Review - \$100
- Paint Color - \$50
- All other items - \$50