

***MOUNTAIN SKY METROPOLITAN  
DISTRICT***

***DESIGN GUIDELINES***

***October, 2020***

## I. INTRODUCTION

These Guidelines are designed to supplement the Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Mountain Sky Subdivision, recorded on 01/29/2020 at Reception No. 4562332 in the real property records of Weld County, Colorado. Any capitalized terms not defined herein shall have the meaning given in the Declaration and in the event of any actual or apparent conflict between these guidelines and the Declaration, the Declaration shall prevail.

A. DEFINITIONS - The following words, when used in these Design Guidelines (as hereinafter more fully defined), shall have the meaning hereinafter specified:

1. "Architectural Control Committee" or "Design Review Committee" ("ACC") means the committee appointed by the Declarant or by the District to review and approve or deny requests for Proposed Improvements in the Community, as more fully provided in the Declaration.
2. "Board" or "Board of Directors" means the body, regardless of name, designated in the Declaration, the Articles of Incorporation, and the Bylaws of the District to act on behalf of the District.
3. "Common Elements" any real property and Improvements owned or leased by the District other than a Lot which exists for the common use of more than one of the Owners.
4. "Community" means real estate described on Exhibit A and Exhibit B attached to the Declaration, as supplemented and amended from time to time.
5. "Declarant" means FL Mountain Sky LLC, a Colorado limited liability company, and/or any other Person to whom the Declarant may, at any time from time to time, assign one or more of the Declarant's rights (which shall be the extent of the Declarant's rights to which such assignee succeeds); provided, that no assignment of any Declarant rights shall be effective unless such assignment is duly executed by the assignor Declarant and recorded in Weld County, Colorado. The term "Declarant" as used herein includes any entity that results from reorganization or restructuring of the existing entity or the conversion thereof to another form of entity., and who:
  - a) As part of a common promotional plan, offers to dispose of to a purchaser such Declarant's interest in a Lot (as defined in the Declaration) not previously disposed of to a purchaser; or
  - b) Reserves or succeeds to any Special Declarant Right (as defined in the Declaration).
6. "Declaration" means the Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Mountain Sky Subdivision, recorded on 01/29/2020 at Reception No. 4562332 in the real property records of Weld County, Colorado, that create this Community, including any supplements and amendments to those instruments and also including, but not limited to, maps and plats.

7. "District" means the Mountain Sky Metropolitan District, its successors and assigns, a quasi-municipal corporation and political subdivision of the State of Colorado.
8. "Design Review Application" means the information required to be submitted to the ACC by an Owner seeking approval of Proposed Improvement(s) to their Home or Lot from the ACC, as required pursuant to the Declaration and these Design Guidelines. See Section III. PROCEDURES FOR ACC APPROVAL of these Design Guidelines for further information.
9. "Design Guidelines" means these Design Guidelines, as such may be amended from time to time by the ACC with the advice of the Board.
10. "Existing Improvement" means an Improvement which has been constructed, erected, placed, planted, applied, or installed on a Lot or a Home in the Community prior to the date these Design Guidelines are adopted.
11. "Home" means a residence that has been built, or is to be built, on a Lot that is in the Community.
12. "Improvement(s)" shall mean and include the following: (a) the construction, installation, alteration, demolition in whole or in part, or expansion of any exterior improvement, building, structure, appurtenance, or other improvements, including, but not limited to, buildings, outbuildings, swimming pools, tennis courts, patios, patio covers, awnings, solar collectors, painting or other finish materials on any visible structure, additions, walkways, sidewalks, trails, bridges, sprinkler systems, garages, driveways, parking areas, fences, including gates in fences, basketball backboards and hoops, swing-sets or other play structures, screening walls, retaining walls, stairs, decks, exterior light fixtures, poles, signs, exterior tanks, utilities, facilities, pipes, lines, and exterior air conditioning, cooling, heating and water softening equipment, if any; (b) the staking, clearing, grading, excavation, filling or similar disturbance to the surface of the land, including without limitation any change of grade, change of ground level, change of drainage pattern, or change of stream bed or course, ditch improvements, drainage, retention and detention ponds or facilities, storm sewer and other collection facilities; (c) all initial planting of and subsequent material modifications to landscaping, hedges, windbreaks, berming, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, and all planting, clearing or removing of trees, shrubs, grass or perennial plants, but in each instance excluding removal of dead or diseased plants and trees and excluding any replacement that is substantially similar to the item being replaced; (d) any change or alteration to the exterior appearance of Improvements previously approved by the ACC, including any change in finish material, color or texture; (e) the repainting and resurfacing of exterior surfaces of structures, including roofing materials, gutters, downspouts, drainspouts, exterior siding or stucco finish, entry doors, windows, trim around doors and windows, surfaces of garage doors, external vents and flues and glass surfaces, exclusive of any replacement that is substantially identical to the item being repainted or resurfaced; and (f) reconstruction of any structures.

13. "Lot" means each platted lot that is specifically described on Exhibit A to the Declaration, as the same may be subdivided or replatted from time to time (and "Lot" shall include all lots created as a result of such subdivision or replatting), and any other platted lot(s) that may hereafter annexed to this Declaration as provided in Section 13.4, with the exception of the Common Elements and any publicly dedicated property. For purposes of these Design Guidelines a Lot may be further defined as any separate lot, plot of land, or parcel of land, which is contained in the Community, and on which a Home is located or is planned to be constructed or located.
  14. "Owner" means each fee simple title holder of a Lot, including, the Declarant, Builder, or other Person who owns a Lot, but does not include a Person having an interest in a Lot solely as security for an obligation. There may be more than one Owner of a Lot.
  15. "Proposed Improvement" means any Improvement which has not yet been constructed, erected, placed, planted, applied, or installed and includes demolition or removal of any building or other structure, and also includes any change of the exterior appearance of a building or other Existing Improvement.
- B. GOAL OF DESIGN GUIDELINES - The overall objective of these Design Guidelines is to serve as a uniform guide for both Owners and the members of the ACC in their efforts to maintain and enhance our carefully designed Community. These Design Guidelines are not intended to be all-inclusive or exclusive, but rather they are intended to assist Owners in their efforts to make Improvements within the Community and to maintain a well-kept Community in order to protect and enhance the economic property, aesthetic values, and the overall desirability of the Homes within our Community by conforming to and harmonizing with the existing surroundings, residences, landscaping, and structures.
- C. AUTHORITY OF THE DESIGN REVIEW ACC – The Declaration addresses the authority of the ACC and, among other things, vests the ACC, with the advice of the Board of Directors, with the following authority:
1. To enact, issue, promulgate, modify, amend, repeal, re-enact, and enforce the architectural or design Guidelines, guidelines, rules, and regulations to interpret and implement the provisions of the Declaration;
  2. To review Design Review Applications and to take action to approve or deny Proposed Improvements within the Community; and
  3. To interpret these Design Guidelines by exercising its reasonable judgment to achieve the end that all Proposed Improvements conform to and harmonize with the existing surroundings, residences, landscaping, and structures.
- D. CONTENT OF DESIGN GUIDELINES - These Design Guidelines establish certain acceptable designs for different types of Proposed Improvements to residential property in the Community and are intended to assist the Owners. Prior to installation or commencement of construction, all Proposed Improvements, except those constructed by

the Declarant, must be submitted to the ACC for review and approval pursuant to the procedures set forth in the Declaration and these Design Guidelines.

These Design Guidelines contain:

1. The introductory material;
  2. A list of specific types of Proposed Improvements which Owners might wish to make, with specific information as to each of these types of Proposed Improvements; and
  3. A summary of the procedures to follow when submitting a Design Review Application for a Proposed Improvement to and seeking approval from the ACC.
- E. EFFECT OF THE DECLARATION - Each Owner should become familiar with the Declaration. These Design Guidelines and procedures are supplementary to all of the terms and provisions of the Declaration, and shall remain in full force and effect. In the event of any actual or apparent conflict between these procedures and the Declaration, the Declaration shall prevail.
- F. EFFECT OF GOVERNMENTAL AND OTHER REGULATIONS - Use of any property and any Improvements in the Community must comply with applicable building codes and other governmental requirements and regulations. Approval and permits from the City of Fort Lupton shall be obtained where required. Approval by the ACC will not constitute assurance that Existing Improvements or Proposed Improvements comply with applicable governmental requirements and regulations, or that a permit or approvals are not also required from applicable governmental bodies. For information about City of Fort Lupton's requirements, Owners should write or call the City of Fort Lupton's Building Department.
- G. INTERFERENCE WITH UTILITIES - In planning Proposed Improvements, Owners are responsible for locating all water, sewer, gas, electric, telephone, cable television, irrigation lines, and other utility lines and easements. Owners should not make any Proposed Improvements over such easements without also obtaining the consent of the utility involved. Owners will be responsible for any damage to utility lines. Underground utility lines and easements can usually be located by contacting the Utility Notification Center of Colorado at 1-800-922-1987.

## II. SPECIFIC TYPES OF IMPROVEMENTS - DESIGN GUIDELINES

### A. GENERAL

1. The following alphabetical list provides pertinent information related to a wide variety of specific types of Proposed Improvements which Owners and builders typically consider installing on their Homes or Lots.
2. Unless otherwise specifically stated, Owner shall submit a Design Review Application to the ACC for a Proposed Improvement and the written approval of the ACC shall be obtained prior to any construction of the Proposed Improvement.
3. Proposed Improvements which are not specifically listed in this Section II. of the Design Guidelines require ACC approval.

4. The architectural style of a Proposed Improvement shall be consistent with the style and character of the Homes and Lots built in the same general area of the Community. The ACC in its sole discretion shall determine such consistency.
- B. ADDITIONS AND EXPANSIONS - ACC approval is required. Owners must follow the Design Review Application process as specified in Section III of these Design Guidelines. Additions or expansions to the Home are considered to be major Proposed Improvements requiring the submission of detailed plans and specifications, including description of materials to be used, and plan and elevation drawings showing dimensions, setbacks, roof slopes, etc. Additions and expansions must be of the same architectural style and color as that of the Home. All work is subject to obtaining required permits from the City of Fort Lupton.
- C. ADDRESS NUMBERS - ACC approval is required to relocate the existing address numbers to a position different from that originally installed by the builder. Any additional address numbers must have approval from the ACC.
- D. ADVERTISING - See Signs.
- E. AIR CONDITIONING EQUIPMENT - ACC approval is required. Air conditioning equipment must be ground-mounted and installed in the rear or rear one half (1/2) of the Home or side yard, and must be behind the wing fence. The equipment must not be visible from the street right-of-way and must be screened from view. It should be installed in such a way that any noise to adjacent Homes is minimized. Installation of air conditioning equipment on the roof of the Home or in a window of the Home will not be permitted.
- F. ANIMALS - No animals, livestock, birds, poultry, reptiles or insects of any kind shall be raised, bred, kept or boarded in the Property; provided, however, that the Owners and residents of each Lot may keep a reasonable number of bona fide household pets (including dogs, cats or other domestic animals), so long as such pets are not kept for any commercial purpose and are not kept in such number or in such manner as to create a nuisance to any resident of the Property. All household pets shall be controlled by their Owner and shall not be allowed off the Owner's Lot except when properly leashed and accompanied by the Owner or his or her representative, who shall be responsible for collecting and properly disposing of any animal waste. The Enforcement Committee shall have, and is hereby given, the right and authority to determine in its sole discretion that dogs, cats or other household pets are being kept for commercial purposes or are being kept in such number or in such manner as to be unreasonable or to create a nuisance; or that an Owner or resident is in violation of the leash laws of the applicable jurisdiction or other applicable governmental laws, ordinances, or other provisions related to household pets; or that an Owner or resident is otherwise in violation of the provisions of this Section. In any such case, the Enforcement Committee may take such action(s) as it may deem appropriate. An Owner's right to keep household pets shall be coupled with the responsibility to pay for any damage caused by such pets, as well as any costs incurred as a result of such pets.
- G. ANTENNAS - Except as may otherwise be permitted by the ACC, no exterior radio antenna, television antenna, or other antenna, satellite dish, or audio or visual reception device of any type shall be placed, erected or maintained, except inside a residence or otherwise concealed from view; provided, however, that any such devices may be erected or installed by the Declarant (or by any builder with the express written consent of the Declarant) in connection with the sale or rental of Lots, or otherwise in connection with

development of or construction on the Property; and provided further, however, that the requirements of this subsection shall be subject to the Telecommunications Act of 1996 and applicable regulations, as amended from time to time..

- H. ARTIFICIAL TURF - Neither artificial turf nor any other floor covering shall be used on the **front porch**, patio, or any balcony or in the front yard of any lot.
- I. AWNINGS - See Overhangs.
- J. BALCONIES - Not permitted.
- K. BASKETBALL BACKBOARDS - ACC approval is required. If the basketball hoop is garage or pole mounted, the backboard and support structure should be clear or painted the same color of the house, unless otherwise approved by the ACC. Garage-mounted backboards in the front yard may not project more than two feet (2') from the front of the garage. Pole-mounted basketball backboards must have a black or galvanized steel pole and must be installed midway between the front of the house and the sidewalk. Rims and nets on all types of basketball units must be maintained in a neat and clean appearance. Temporary basketball backboards are also acceptable but must be placed in such a manner that they do not block sidewalks and pedestrian walkways and are not placed in the streets.
- L. BOATS - See Motor Home Vehicles.
- M. BUG ZAPPERS - Approved subject to compliance with the Declaration.
- N. BUILDING HEIGHT - Any alteration to the height of the Home or other building on the Lot requires ACC approval and must comply with applicable building codes and zoning regulations established by City of Fort Lupton.
- O. CABLE TV ANTENNAS - See Antennas.
- P. CAMPERS - See Motor Home Vehicles.
- Q. CARPORT - Not permitted.
- R. CIRCULAR DRIVES - See Driveways.
- S. CLOTHESLINES AND HANGERS - Not permitted.
- T. CLOTH OR CANVAS OVERHANGS - See Overhangs.
- U. COLOR - See Painting.
- V. CORNER VISIBILITY - Compliance with the City of Fort Lupton's intersection sight distance criteria required.
- W. DECKS - ACC approval is required. Decks must be constructed of wood or other material matching the material of the Home and, if painted, must match the color scheme of the Home, unless otherwise approved by the ACC. Decks must be installed as an integral part of the Home and patio area. Construction of decks over easement areas is not permitted. Two story decks are not permitted. Proposed dimensions and location of the deck must be

submitted on drawings to the ACC. The ACC will consider Lot size as a factor in review of deck Design Review Applications.

- X. DOG RUNS - No drying yards, service yards, wood piles, storage areas or chain-linked (or other) dog runs, shall be so located as to be visible from a street or from the ground level of any Lot. Dog runs shall not be located within five (5) feet from any property line, and shall be screened by approved materials so that the dog therein is not visible from neighboring Lots. "Invisible" electric fences shall generally be permitted along property lines.
- Y. DOORS - ACC approval is required for the addition or replacement of storm or other type doors to a Home, including security doors. The material shall match existing colors of the Home. Security window bars are not permitted. The approved existing colors will be white, black, and the approved Home colors.
- Z. DRAINAGE - Modification or impeding the flow of drainage is prohibited. See Section 8.4. of the Declaration for further information.
- AA. DRIVEWAYS - Modifications to the original driveway and circular drive additions require ACC approval and must be aesthetically pleasing and in conformance with the overall look of the Community. Colored concrete is not approved for driveway modifications. Driveways may not be painted. Modifications to the driveway may not exceed **three feet (3')** in width on one side. Widening the driveway for extra parking space is not permitted. Asphalt extensions are not permitted. Parking in rear or side yards is not permitted.
- BB. EXTERIOR LIGHTING - See Lights and Lighting.
- CC. EXTERIOR MATERIALS - ACC approval is required. The only acceptable exterior building materials are high-quality hardboard siding, brick, stone, or other harmonious materials utilized for accent or Home details as approved by the ACC.
- DD. FENCES - ACC approval is required.
  - 1. General - Fences, walls, brick columns, and entrance monuments (individually and collectively "Fences") constructed by developer or builder along or abutting Lot lines, arterial streets, collector streets, or local streets may not be removed, replaced, or altered, including adding a gate, without approval of the ACC. Perimeter Fences may not have gates or removable sections of any sort. There can be no rear or side yard access through perimeter Fences. If any such Fences constructed by developer or builder which are located upon an Owner's Lot are damaged or destroyed by Owner or Owner's agents, guests, invitees, or tenants, the Owner shall repair and recondition the same at the Owner's expense.
  - 2. Please note the following on fencing:
    - a) Three-rail fencing between the homes will be on the property line and will be the responsibility of each homeowner to maintain.
    - b) Three-rail fencing in the right of way (ROW) is the responsibility of the homeowner to maintain.
  - 3. Drainage - It is important to remember that certain drainage patterns may exist along or under existing or proposed Fence locations. When constructing a



Fence, be sure to provide for a space between the bottom of the Fence and the ground elevation so as not to block these drainage patterns.

4. Design - Fences may not be constructed without ACC approval. All Fences must be constructed of cedar. All Fences must adhere to any sight triangle regulations of City of Fort Lupton.
    - a) Fences or Screening Located within Lot Line - Must be an integral part of the landscape design.
    - b) Double Fences - Not permitted, except see Dog Run. Double Fences are not the same as double facing. Check with the ACC.
    - c) Side yard Fences may not extend past the front corner of the Home.
    - d) Front yard fencing - not permitted.
    - e) Fence staining - Owners must use **Behr Stain - Natural No. 500**. No other color or type of stain is permitted. **District fencing may not be stained.**
    - f) Gates - ACC approval is required. **Double gates are not permitted. Gates opening to the street (other than installed by builder) or open space are not permitted.**
    - g) Any Fence that is constructed inside the property line is deemed to automatically grant an easement to all adjacent neighbors so that they may join the fence, and the Owner joining to the fence agrees to maintain the easement area. If requested, the Owner agrees to provide a document confirming granting of such easement.
    - h) Cluster Mailboxes - Fences bordering cluster mailboxes must allow three and a half feet to four feet (3 ½' to 4') of clearance behind the cluster box to allow for mail delivery.
  5. No plastic or metal chicken wire, hog wire, barbed wire, chain link, or strand wire will be allowed without approval by the ACC. All property line Fence height differentials must be treated with a transition Fence similar in design to that shown on attached Figures for solid fences.
  6. Fences shall not be constructed within right-of-way areas or side Lot easements and, therefore, must be set back from the sidewalk the distances established in City of Fort Lupton's requirements.
  7. Maintenance Responsibility - Deteriorated materials must be replaced by the Owner with materials identical to the original in quality, quantity, and design.
- EE. FLAGPOLES - ACC approval is required. Only one (1) flagpole per Lot will be permitted.
- FF. GARBAGE CONTAINERS AND STORAGE AREAS - See Trash Containers.

- GG. GRADING AND GRADE CHANGES - See Drainage.
- HH. GREENHOUSE WINDOWS - ACC approval is required.
- II. HANGING OF CLOTHES - See Clotheslines and Hangers.
- JJ. HOT TUBS - ACC approval is required. Design must include the hot tub as an integral part of the deck or patio area and of the rear yard landscaping. Hot tub must be in the rear yard. When fencing is required by city code, the fencing type and style is to be submitted to the ACC for approval.
- KK. HOLIDAY DECORATIONS - All seasonal decorations may not be installed more than thirty (30) days prior to a holiday and must be removed within thirty (30) days following that particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion.
- LL. HOME NUMBERS - See Address Numbers.
- MM. IRRIGATION SYSTEMS - Underground manual or automatic irrigation systems will not require approval of the ACC. Such systems should not be installed within five feet (5') of the foundation.
- NN. JACUZZI - See Hot Tubs.
- OO. JUNK VEHICLES - See Motor Home Vehicles.
- PP. LANDSCAPE AND MAINTENANCE - ACC approval is required. The Owner of each Lot shall install landscaping on such Lot within one hundred eighty (180) days after acquisition of such Lot by such Owner if said acquisition occurs between April 1 and October 1; if said acquisition does not occur between such dates, then landscaping shall be installed by Owner before the following October 1. A MAXIMUM OF 950 SQUARE FT. OF IRRIGATED TURF PER LOT PER THE TOWN IS PERMITTED.
1. Landscaping shall follow all requirements of the City of Fort Lupton.
  2. Gravel, rock, and/or soil piles left in front or on visible side yards of parcels, or on the driveway shall be left no longer than a period of fifteen (15) days. Gravel, rock, and/or soil piles are not permitted on the street.
  3. Delivery and placement of landscape materials shall not damage greenbelt, entry, or median areas. Delivery trucks are not allowed to cross the greenbelt, entry, or median areas (to avoid sprinkler and landscape damage). If this regulation is violated and damage to the Common Elements results, the Owner will be held financially responsible for repairing the damage caused by the Owner or the Owner's agent, guest, invitee, or tenant.
  4. Irrigation and plant material shall not be allowed in any soil nail wall area. The ACC shall have the discretion to approve the installation of irrigation and/or plant material in any soil nail wall area on a case by case basis subject to these Design Guidelines and to the approval of a trade professional chosen by the ACC.

- QQ. LIGHTS AND LIGHTING - ACC approval is not required for exterior lighting which is in accordance with the following regulations: Exterior lights must be of the same style and character as those installed by builder on other Homes or Lots, and be as small in size as is reasonably practicable. Exterior lighting should be directed towards the Owner's Home and must be of low wattage to minimize glare sources to neighbors and other Owners. Any variance from these Design Guidelines or use of high wattage spotlights or floodlights requires ACC approval.
- RR. LIVESTOCK - See Animals.
- SS. MICROWAVE DISHES - See Antennas.
- TT. MINING AND DRILLING - Not permitted.
- UU. MOTOR HOME VEHICLES - Not permitted to be located or parked permanently within the Community, as set forth in Section 3.6 of the Declaration. These vehicles must be moved from the Community within seventy-two (72) hours unless approved in writing by the ACC. **This seventy-two (72) hour period is allowed for loading or unloading before and after trips. Such vehicles may be stored only within garages.** The District does not permit enclosed structures other than garages for this type of storage.
- VV. MOTORIZED VEHICLES - Motorized vehicles include, but are not limited to, snowmobiles, golf carts, motorcycles, minibikes, go-carts, mopeds, and delivery trucks, but exclude lawn cutting, snow removal, or maintenance equipment. Motorized vehicles shall not be parked so as to be visible from any of the Homes or the street. Motorized vehicles are not to be driven on greenbelts or Common Elements.
- WW. OVERHANGS - CLOTH OR CANVAS - ACC approval is required. The color of the overhang must be the same as the exterior of the Home, unless otherwise approved by the ACC. Metal or fiberglass awnings are not permitted.
- XX. PAINTING - ACC approval is not required if color and color combinations are identical to the original color painted by builder. Color and color combination changes require ACC approval. Changes include any paint or color scheme other than the original brand paint, color number, and scheme which is on file with the builder or the ACC.
1. All exterior color changes must be submitted for approval by the ACC, including repainting of Existing Improvements. The ACC will assess the overall color composition formed by the individual materials.
  2. All roof vent caps, louvers, plumbing stacks, chimney flashing, valley flashing, etc., are to be painted a color not in contrast with the color of the roofing.
  3. It is recommended that all Homes be painted on a regular schedule to avoid chipping and peeling.
  4. Paint schemes must be different from neighboring Homes. The ACC will not approve Design Review Applications which do not include a description of neighbors' paint colors. Failure by the ACC to so inform the Owner requesting such approval shall not be deemed an approval.

5. Garage doors are to be the same color as the siding or trim of the Home, unless otherwise approved by the ACC. Outlining the garage door panels in a contrasting color or in a checkerboard design is not permitted.
  6. Most Homes have multiple tone paint schemes (e.g., siding color, trim color, and accent color for shutters and doors). New colors submitted should, but are not required to, preserve this multiple tone scheme. For example, if the trim was a different color than the doors and shutters originally, it should also be different in the submitted colors.
  7. Color selection Design Review Applications to the ACC should include four sets of manufacturer's paint chips. Please indicate which color chips are for trim, siding, and accent (doors and shutters) color. PLEASE PLAN AHEAD AND SUBMIT DESIGN REVIEW APPLICATIONS TO ALLOW FOR THE ACC'S FORTY-FIVE (45) DAY REVIEW TIME FRAME PROVIDED FOR UNDER THE DECLARATION AND THESE DESIGN GUIDELINES.
  8. All selections are reviewed by the ACC and, in some cases, by a professional consultant.
  9. In general, after approval, only those areas that are painted may be repainted; only those areas stained may be restained; unpainted surfaces and unstained areas (such as brick) shall remain unpainted and unstained.
- YY. PATIO COVERS - ACC approval is required. Plans submitted with the Design Review Application must show the exterior elevation, designate materials and colors, and include dimensions.
- ZZ. PATIOS - ENCLOSED - See Additions and Expansions.
- AAA. PATIOS - OPEN - ACC approval is required. Front yard patios are not permitted.
- BBB. PAVING - ACC approval is required for front yard changes, regardless of whether for walks, driveways, patio areas, or other purposes.
- CCC. PETS - See Animals.
- DDD. PIPES - See Utility Equipment.
- EEE. PLAY AND SPORTS EQUIPMENT - ACC approval is required. Equipment shall be located in the rear or side yard. Size of play yards will be considered on a case-by-case basis depending on Lot size and proximity to neighbors. The maximum height of the equipment should not exceed fourteen feet (14'). The ACC may require written consent from adjacent neighbors before approving an equipment Design Review Application.
- FFF. PLAYHOUSES - ACC approval is required. Materials used to construct playhouses shall be of the same color and materials as on the exterior of the Home, including the siding, roofing, and trim materials. Playhouses shall be allowed only in rear yards and must be screened from view by a Fence. Playhouses shall not be more than eight foot, six inches (8'6") high at the peak, nor larger than one hundred twenty square feet (120 ft<sup>2</sup>). The ACC in reviewing the Design Review Application shall consider Lot grading, Lot size, Fence locations, landscape screenings, etc. Only one (1) playhouse will be allowed per Lot.

- GGG. POLES - See Flagpoles, Utility Equipment, Basketball Backboard, etc.
- HHH. POOLS - ACC approval is required. When required by city code the fencing type and style is to be submitted to the District for approval.
- III. RADIO ANTENNAS - See Antennas.
- JJJ. ROOFS - ACC approval is required. Submit colors and type of materials to be used. Uniformity with existing Homes in the Community is required.
- KKK. ROOFTOP EQUIPMENT - Not permitted.
- LLL. SAUNAS - See Additions and Expansions.
- MMM. SETBACKS - The City of Fort Lupton's requirements must be met.
- NNN. SEWAGE DISPOSAL SYSTEMS - Not permitted.
- OOO. SHEDS/EXTERIOR BUILDINGS - ACC approval is required. Materials used to construct any shed or exterior building shall be of the same colors and materials as on the exterior of the Home, including siding, roofing, and trim materials. Rubbermaid and aluminum sheds are not permitted. Sheds shall be allowed only inside of rear yards and must be screened from view by a Fence. Sheds shall not be more than eight foot, six inches (8'6") high at the peak, nor larger than one hundred twenty square feet (120ft<sup>2</sup>). The ACC in reviewing the Design Review Application shall consider Lot grading, Lot size, Fence locations, landscape screenings, etc. Only one (1) shed will be allowed per Lot.
- PPP. SHUTTERS - EXTERIOR - ACC approval is required. Exterior shutters must be the same materials and painted to match the color scheme of the exterior of the Home.
- QQQ. SIDING - ACC approval is required. Siding must be essentially the same as the siding installed by the builder on other Homes in the Community, must be high-quality hardboard siding, and must be painted according to these Design Guidelines. See Painting. Aluminum or steel siding will not be permitted.
- RRR. SIGNS - No advertising or signs of any character shall be erected, placed, permitted, or maintained other than a name plate of the occupant and a street number, and except for a "For Sale," "Open House," "For Rent," or security sign of not more than six (6) square feet in the aggregate, and such other signs, for such length(s) of time, which have the prior written approval of the ACC or are expressly permitted by applicable law. Notwithstanding the foregoing, signs, advertising, or billboards used by the Declarant (or by any Builder with the express written consent of the Declarant) in connection with the sale or rental of Lots, or otherwise in connection with development of or construction on the Property, shall be permissible.
- SSS. SKYLIGHTS - ACC approval is required.
- TTT. SPAS - See Hot Tubs.
- UUU. SPRINKLER SYSTEMS - See Irrigation Systems.
- VVV. STATUES, FOUNTAINS, LAWN ORNAMENTS, and WATER FEATURES - ACC approval is required. The ACC will consider limited statues, fountains, lawn ornaments,

or water features if the Proposed Improvement is consistent with the overall Lot landscape theme, is consistent with Home colors (both field and trim), and is harmonious with other Homes in the Community. If the Design Review Application calls for placement of the statute, fountain, lawn ornament, or water feature in the front yard, it must be located on porch steps or within a five foot (5') boundary from the front of the Home and its height shall not exceed three feet (3'). No more than four (4) statuaries will be allowed in the front yard of any Home.

- WWW. STORAGE SHEDS - See Sheds.
- XXX. STORM DOORS - See Doors.
- YYY. SUNSHADES - See Overhangs.
- ZZZ. SWINGSETS - See Play and Sports Equipment.
- AAAA. TELEVISION ANTENNAS - See Antennas.
- BBBB. TEMPORARY VEHICLES - See Motor Home Vehicles.
- CCCC. TENNIS COURTS - Not permitted.
- DDDD. TRAILERS - See Motor Home Vehicles.
- EEEE. TRASH CONTAINERS - See Section 10.10. of the Declaration.
- FFFF. TREE HOUSES - Not permitted.
- GGGG. UNDERDRAINS - Modification or impeding the flow of drainage is prohibited.
- HHHH. UTILITY EQUIPMENT - Installation of utilities or utility equipment requires ACC approval unless the equipment is to be located underground or within an enclosed structure. Pipes, wires, poles, utility meters, and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.
- IIII. VANES - ACC approval is required.
- JJJJ. VEHICLES - See Motor Home Vehicles.
- KKKK. VENTS - See Rooftop Equipment.
- LLLL. WALLS - RETAINING – ACC approval is required. Retaining walls must be constructed to conform to local municipal code requirements. The Owner shall provide a detailed landscape plan, indicating the size and exposure of the retaining wall, as part of the Design Review Application. Owners are responsible for maintaining appropriate Lot drainage and shall not impair adjacent Lot drainage patterns. Retaining walls shall be constructed of brick, treated wood, natural stone, or similar materials, subject to approval by the ACC. Exposed concrete retaining walls will not be permitted.
- MMMM. WELLS - Not permitted.
- NNNN. WIND TURBINES - Not permitted.

OOOO. WINDOWS - ACC approval is required for all windows that are not of the same style or design as was originally installed by the builder. Design Review Application submitted to the ACC shall include a description of the window frame material and color. Mill finish on aluminum windows is not permitted. Security window bars are not permitted.

PPPP. WOOD STORAGE - Not permitted.

QQQQ. XERISCAPE - Xeriscape is defined as the incorporation of native drought tolerant, or low water use plant material into landscape plans. Xeriscape offers Owners an opportunity to select plants and plant materials that are more compatible with local Colorado conditions. Xeriscape landscapes must include a combination of rock, mulches, shrubs, trees, grasses, and ground covers. A minimum of sixty-five percent (65%) of the area to be landscaped must be covered by plant material at maturity. Contact your local nursery for suggested plant species to incorporate in a xeriscape landscape plan. See Section II. PP. LANDSCAPE AND MAINTENANCE of these Design Guidelines further information.

### III. PROCEDURES FOR ACC APPROVAL

- A. GENERAL – All Proposed Improvements, including Proposed Improvements not contained within Section II. of these Design Guidelines, shall have been first submitted to and approved by the Design Review ACC before a Proposed Improvement is commenced. Please note, in a few cases, as indicated within the proceeding Section II., a specific type of Proposed Improvement will not be permitted under any circumstances.
- B. ADVISING OF NEIGHBORS – It is suggested and recommended that Owners advise neighbors of their Proposed Improvements prior to making a Design Review Application to the ACC. The ACC, in its discretion, may request adjacent neighbor input as part of its deliberation process.
- C. DESIGN REVIEW APPLICATION – Prior to commencing any improvement to any Lot or Home in the Community, an Owner must make a Design Review Application in accordance with these procedures.

All Design Review Applications should be made to the District's Management Company and must include the following:

- 1. **One (1) copy of the "Design Review Application" form, attached to these Design Guidelines as Attachment 2, which must be signed and dated by the Owner; and**
- 2. **One (1) copy of complete drawings, specifications, and plans, as further described in these Design Guidelines.**

The ACC may obtain input from the Board related to any Design Review Application.

- D. DRAWINGS, SPECIFICATIONS, AND PLANS - **Article 2 of the Declaration requires an Owner to submit to the ACC, prior to commencement of any Proposed Improvement, drawings, descriptions, plot plans, construction plans, specifications, and samples of materials and colors, etc., as well as such other materials and information that may be required by the ACC in order to show exterior design, height, materials, color, and location of any Proposed Improvement plotted horizontally and vertically, location and size of driveways, location, size, and type of landscaping, fencing, walls, windbreaks, and grading plan in relation to the Proposed Improvement.**

In the case of major Proposed Improvements, such as room additions, decks, or structural changes, detailed plans should be professionally prepared by an architect, engineer, and/or draftsman, however, simple drawings and descriptions may be sufficient for other Proposed Improvements.

Whether done by the Owner or professionally, the following provisions should be followed in preparing drawings, specifications, and plans:

1. The drawing, specification, or plan should be done to scale, and should depict the property lines of the Lot and the outside boundary lines of the Home as located on the Lot. Drawings made from a Lot survey base are preferred;
2. Existing Improvements, in addition to the Home, should be shown on the drawing, specification, or plan, and identified or labeled. Such Existing Improvements include driveways, walks, decks, trees, bushes, etc.;
3. The Proposed Improvements should be shown on the drawing, specification, or plan and labeled;
4. Either on the drawing, specification, or plan, or on an attachment, there should be a brief description of the Proposed Improvement, including the materials to be used and the colors;
5. The drawing, specification, or plan and other materials should show the name of the Owner, the address of the Home or Lot, and a telephone number where the Owner can be reached;
6. The drawing, specification, or plan shall include dimensions, setbacks, roof slopes, types of materials and both elevation and plan views of all proposed expansions or additions; and
7. Applications for paint change must be accompanied by samples or chips of the colors to be approved, along with a written description of color schemes of adjacent Homes.

Drawings, specifications, plans, color samples, and other materials submitted by Owner as part of the Design Review Application process will be retained by the ACC in accordance with its obligations as further detailed in the Declaration.

- E. REVIEW FEE - No fee is charged at the time the Design Review Application is submitted for review by the ACC. All costs for review of Design Review Applications shall be borne by the submitting Owner, shall be assessed to the submitting Owner, and shall be payable prior to final approval. Potential costs for review of Design Review Applications may include any reasonable engineering consultant fees or other fees incurred by the ACC in its review.
- F. ACTION BY THE ACC - The ACC will meet as required to review submitted Design Review Applications. The ACC may require submission of additional information or material and the Design Review Application will not be deemed submitted until all information and materials required by the ACC have been received by the ACC. **The ACC will act upon all Design Review Applications within forty-five (45) days after receipt of the complete Design Review Application or forty-five (45) days after**



**receipt of all additional information and materials requested by the ACC, whichever is later, unless the time is extended by mutual agreement.** All decisions of the ACC will be in writing.

- G. PERFORMANCE OF WORK - After approval of any Proposed Improvement by the ACC, the Proposed Improvement should be accomplished as promptly and diligently as possible and in complete conformity with the approved plans, drawings and descriptions as well as any other terms and conditions of the approval. The work must be completed, in any event, within one (1) year after approval by the ACC.
- H. ENFORCEMENT OF DECLARATION AND DESIGN GUIDELINES - The ACC shall have the responsibility to enforce the architectural requirements of the Declaration and these Design Guidelines.
1. Inspection - The ACC shall have the right, but not the obligation, to inspect any Proposed Improvement prior to, during, or after completion of the same, in order to determine whether or not the Proposed Improvement is being completed or has been completed in compliance with the Declarations, Design Guidelines, and ACC approval.
  2. Complaint - Owners may submit written complaints to the Enforcement Committee for violations of the architectural requirements of the Declaration and these Design Guidelines within the Community (“Complaint”). Upon receipt of a Complaint the Enforcement Committee will investigate the same if such Complaint is dated and signed by the submitting Owner. The ACC shall use all reasonable means to maintain the anonymity of complaining Owners. The Enforcement Committee shall be allowed access to the property of the Owner filing the Complaint for purposes of verification of the Complaint.

If a violation is found, the ACC shall notify the Owner whose Lot or Home is in violation, in writing, requesting that appropriate action be taken to achieve compliance. If such Owner does not bring the violation into compliance with the Declaration and Design Guidelines within the time specified by the notice, the ACC will request that the violation be referred to the Board for enforcement action, which may include the ACC fining the Owner for such non-compliance.

- I. VARIANCES, WAIVERS, AND NO PRECEDENT –
1. Variances – The ACC may grant reasonable variances or adjustments from any conditions and restrictions imposed by Article 5 or Article 10 of the Declaration or these Design Guidelines in order to overcome practical difficulties or prevent unnecessary hardships.
  2. Waivers – The approval or consent of the ACC to any Design Review Application, variance, or adjustment shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent by the ACC as to any application or other matters whatsoever as to which approval or consent may be subsequently required.
  3. No Precedent – The approval or consent of the ACC to any Design Review Application, variance, or adjustment shall not be deemed to constitute a

precedent as to any other matter.

- J. AMENDMENT – These Design Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, modified, reenacted, or otherwise changed by the ACC in its discretion, with the advice of the Board.

THESE DESIGN GUIDELINES WERE INITIALLY ADOPTED BY THE DESIGN REVIEW ACC on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. As provided in the Declaration and as provided in this document, these Design Guidelines are subject to amendment by the ACC with the advice of the Board.

MOUNTAIN SKY METROPOLITAN DISTRICT  
a quasi-municipal corporation and political subdivision of the State