

**DESIGN CRITERIA
AND
RULES AND REGULATIONS
OF
TIMNATH LAKES**

Adopted by the Board of Directors on November 8, 2021

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1 INTRODUCTION

1.1 Basis for Rules and Regulations

These Rules and Regulations (the “Rules”) are intended to assist Owners living in the Timnath Lakes community (the “Community”). Pursuant to the Declaration of Architectural, Use and Maintenance Restrictions for Timnath Lakes (“Declaration”), recorded at Reception No. 2020089595 as may be amended from time to time, the Timnath Lakes Metropolitan District No. 6 (“District”) is authorized to adopt rules and regulations for the Community.

1.2 Definitions

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

1.3 Contents of Rules

In addition to the introductory material, these Rules contain (A) a summary of procedures for obtaining approval from the ACC (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 Control Committee or Representative

The ACC consists of persons, representatives or a committee appointed to review requests for approval of architectural or site changes.

1.5 ACC Contact Information

The contact information of the ACC, persons, committee or representative authorized to administer the architectural review process is:

COMPANY NAME	OFFICE	FAX	E-MAIL
<u>Special District Management Services</u>	<u>(303) 987-0835</u>	<u>(303) 987-2032</u>	<u>pripko@sdmsi.com</u>

1.6 Effect of Declaration

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

1.7 Effect of Governmental and Other Regulations

Use of property within the Community and any Improvements must comply with any applicable building codes and other governmental requirements and regulations. Owners are encouraged to contact Larimer County (“County”) and the City of Timnath (“City”) for further information and requirements for Improvements they wish to make.

APPROVAL BY THE ACC 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 District and the utility involved, and Owners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting:

**Utility Notification Center of Colorado
1-800-922-1987**

1.9 Goal of Rules

Compliance with these Rules and the provisions of the Declaration will help preserve the inherent architectural and aesthetic quality of the Community. It is the responsibility of the ACC to ensure that all proposed Improvements meet or exceed the requirements of these Rules and to promote the highest quality design for the neighborhood. It is important that Improvements to property be made in harmony with and not detrimental to the rest of the Community. A spirit of cooperation with the ACC and neighbors will go far in creating an optimum environment, which will benefit all Owners. By following these Rules and obtaining prior written approval for Improvements to property from the ACC, 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 Rules, the ACC’s interpretation shall be final and binding.

2 PROCEDURES FOR ACC APPROVAL

2.1 General

The procedures set forth in this Article 2 are intended to clarify the terms, provisions and requirements of Section 4 of the Declaration. In the event of any conflict between these rules and the Declaration, the terms of Section 4 in the Declaration shall control. As indicated in Section 3 of these Rules, there are some cases in which advance written approval of the ACC is not required

if the Rules with respect to that specific type of Improvement are followed. In a few cases, as indicated in Section 3, a specific type of Improvement is not permitted under any circumstances. In all other cases, including Improvements not included in Section 3, advance, or prior written approval by the ACC is required before an Improvement to property is commenced.

2.2 Drawings or Plans

Owners are required to submit to the ACC a completed Architectural Control Request Form (“ACC”), 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 County, the City or other governmental entity. The ACC reserves the right to require a copy of such permit as a condition of its approval.
- F.** In some instances, elevation drawings of the proposed Improvement will be required.

The elevation drawings should indicate materials.

- G. Photographs of existing conditions and of proposed materials and colors are encouraged to be included, and are helpful to convey the intended design, but should not be used solely to describe the proposed changes.

2.3 Submission of Drawings and Plans

One copy of the drawing or plans (minimum acceptable size 8.5" x 11") must be submitted to the ACC along with a completed ACR. Color photographs, brochures, paint swatches, etc. will help expedite the approval process. Specific dimensions and locations are required. A copy of the plat plan must be submitted with proposed Improvements indicated as a part of the submission

Any costs incurred by the ACC 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 ACC in reviewing any submission will be assessed to the Owner requesting approval of the submission.

2.4 Action by ACC

The ACC will meet as required to review plans submitted for approval. The ACC may require submission of additional information or material, and the request will be deemed denied until all required information and materials have been submitted. The ACC will act upon all requests in writing within forty-five (45) days after the complete submission of plans, specifications, and other materials and information as requested by the ACC. If the ACC 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 rejected by the ACC.

2.5 Revisions and Additions to Approved Plans

Any revisions and/or additions to approved plans made by the Owner or as required by any governmental agency, must be re-submitted for approval by the ACC. The revised plans must follow the requirements as outlined above.

2.6 Completion of Work

After approval (which may be with conditions and/or requirements) of any proposed Improvement by the ACC, 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 ACC 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 ACC in writing and the Owner is diligently prosecuting completion of the subject Improvements or other good cause exists at the time such request is made.

2.7 Requirements for Initial Installation of Backyard Landscaping & Fencing

Perimeter fencing and landscaping shall be completed within (9) months after initial conveyance of the property to the owner, with consideration given to planting seasons, unless the initial conveyance be between October and April. If the initial conveyance be between October and April, the deadline shall be extended to the next June. Should an extension be foreseen due to time of year, written notice must be made to the ACC (Architectural Control Committee) prior to the 9-month expiration, at which time; the ACC will issue a new time requirement to the owner, but in no case later than 12 months after conveyance. Wing fencing must be installed prior to conveyance of the Lot to the initial owner

Two copies of the drawing or plans (minimum acceptable size 8.5" x 11") must be submitted to the ACC along with a completed ACR prior to installation of backyard landscaping and fencing. The Owner should ensure submittal of these plans will allow for the review period of up-to forty-five (45) days for approval in accordance with the deadline for installation. Though an ACR (Architectural Control Request) may have been submitted, if it has not been approved and the installation completed by the deadline, the property may be sited for non-compliance.

2.8 Inspection of Work

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

2.9 Notice of Non-Compliance

If, as a result of inspections or otherwise, the ACC 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 ACC 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.

2.10 Correction of Non-Compliance

If the ACC determines that anon-compliance exists, the Person responsible for such non-compliance shall remedy or remove the same within not more than thirty (30) 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 ACC 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.

2.11 Amendment

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

2.12 Questions

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

3 SPECIFIC TYPES OF IMPROVEMENTS / SITE RESTRICTIONS

3.1 General

The following is a listing, in alphabetical order, of a wide variety of specific types of Improvements which Owners typically consider installing, with pertinent information as to each. Unless otherwise specifically stated, drawings or plans for a proposed Improvement must be submitted to the ACC and written approval of the ACC 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. ACC review and approval is required on any external items not be listed below.

3.1.1 Variances

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

3.1.2 No Unsightliness

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

3.1.3 Waivers; No Precedent

The approval or consent of the ACC to any application for approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent as to any

application or other matters whatsoever, as to which approval or consent may subsequently or additionally be required. Nor shall any such approval or consent be deemed to constitute a precedent in any other matter.

3.1.4 Liability

The ACC 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 regarding any matter within its jurisdiction. The ACC 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 ACC will not make any investigation into title, ownership, easements, rights-of-way, or other rights appurtenant to property with respect to architectural requests and shall not be liable for any disputes relating to the same.

3.2 Accessory Buildings

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

- A.** An Ancillary Unit is defined as a one-bedroom dwelling unit not greater than 1,000 square feet in size located on a Lot containing a single-family detached Residence, but such Ancillary Unit must be detached from the Residence located on such Lot. In addition to a Residence, a Lot may contain an Ancillary Unit but only if allowed by applicable zoning laws and with the prior written approval of the ACC. Ancillary Units must meet the following requirements:
 - 1. Can only be one story
 - 2. Must match the architectural style of the primary residents
 - 3. Must be located in the rear yard and must be set back at least 10 (ten) feet from the side lot lines and fifteen (15) feet from the rear lot lines.
 - 4. Must be used for residential use only
- B.** Storage sheds must be aesthetically compatible and consistent with the style and character of the home and other homes in the same general area of the Community. Storage sheds and/or any accessory buildings shall not be more than 100 square feet, and shall not be more than nine (9) feet high at the peak. The roof pitch must be complementary to the existing roof on the home, unless otherwise approved by the ACC. Such storage sheds and/or accessory buildings must be permanent in nature. Utilities are not permitted to be
- C.** Siding, roofing, paint and trim materials must match those on the home, unless otherwise approved by the ACC. Metal, plastic, PVC and other materials not consistent with original construction by the Builder are not permitted. TREX and engineered composite wood type products consistent with original Builder construction are permitted.
- D.** Smaller Lots may not have a suitable location for a storage shed. In any case, no more

than one (1) storage shed and one (1) playhouse (see Section 3.51, Playhouses) shall be permitted per Lot.

- E.** The ACC, in reviewing and approving or denying an application for approval of a storage shed or accessory building, shall take into consideration lot size, square footage of the home, the existing grading, fence locations, landscape screenings, etc.
- F.** Utilities, either above or underground, are not permitted to be run to the shed.
- G.** A playhouse or play structure shall not be considered an accessory building.
- H.** Existing setbacks required of the home must be observed when placing storage sheds, accessory buildings, gazebos and playhouses. A copy of the home's plot plan filed with the location of the proposed accessory building is required with the ACR.

3.3 Additions and Expansions

Approval is required. Additions or expansions must be constructed of wood, masonite, glass, brick, stone, or other material as used in construction of the exterior of the home. The design must be the same or generally recognized as a complimentary architectural style and meet all design guidelines as may be applicable. Colors must be the same as that of the residence. Patios may not be more than twenty five percent (25%) of the entire rear yard of the Lot unless otherwise approved by the ACC.

3.4 Address Numbers

Approval is required to replace, alter or relocate existing address numbers, unless the address numbers are replaced using the same style, color and type of number currently on the residence.

3.5 Air Conditioning Equipment

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

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

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 to minimize visibility from the street and minimize any noise to adjacent property Owners.

3.6 Antennae/Satellite Dishes

3.6.1 General Provisions

"Permitted Antennas" are defined as (a) an antenna which is less than one meter in diameter and is used to receive direct broadcast satellite service, including direct-to-home satellite services, or is used to receive or transmit fixed wireless signals via satellite; (b) an antenna which is less than one meter in diameter and is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services or is used to receive or transmit fixed wireless signals other than via satellite; (c) an antenna which is designed to receive broadcast television broadcast signals; or (d) other antennas which are expressly permitted under applicable federal statutes or regulations. In the event a Permitted Antenna is no longer expressly permitted under applicable federal statutes or regulations, such antenna will no longer be a Permitted Antenna for purposes of this Section. Installation of Permitted Antennas shall not require the approval of the ACC.

- 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.

3.6.2 Installation of Antennae/Satellite Dishes

- A. All installations must comply with all applicable building codes and other governmental regulations, and must be secured so they do not jeopardize the safety of residents or cause damage to adjacent properties. Any installation must strictly comply with FCC guidelines.
- B. All Permitted Antennas shall be no larger, nor installed more visibly, than is necessary for reception of an acceptable signal.
- C. Owners are responsible for all costs associated with the Permitted Antenna, including

but not limited to costs to install, replace, repair, maintain, relocate, or remove the Permitted Antenna.

- D.** All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Permitted Antennas, masts and any visible wiring may be required to be painted to match the color of the structure to which they are attached. The Owner should check with the installer/vendor for the appropriate type of paint.

- E.** All other antennas, not addressed above, are prohibited.

3.7 Animals*

Except as set forth below, no animals of any kind shall be raised, bred or housed within the Property without the prior written consent of the ACC and, if required, the Colorado Division of Wildlife, and in all events in conformity with the Rules.

- A.** An Owner shall be permitted to house on its Lot up to 3 domestic pets (which shall mean only domesticated dogs, cats or other usual and common household pets which are bona fide household pets) and such additional animals as may be expressly permitted by the Rules;
- B.** Properly licensed and registered service animals for disabled persons shall be permitted on the Property.

3.8 Awnings

Approval is required and Owners must comply with all requirements of the County and the City. 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 3.43, Overhangs/Sunshades/Awnings – Cloth or Canvas.

3.9 Backyard Sport Pads.

Approval is required. Backyard, concrete pads for “sport” type courts must be approved by the ACC. The ACC 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. Sports pads can take up no more than 25% of the backyard. Homes backing up to Common Area/Open space must have sport pad shielded from view.

3.10 Balconies

See Section 3.18, Decks.

3.11 Barbecue/Gas Grills

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

3.12 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.

3.13 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 3.69, Statues or Fountains.

3.14 Birdhouses and Bird Feeders

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

3.15 Carports

Approval will not be granted.

3.16 Clothes Lines and Hangers

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

approval.

3.17 Cloth or Canvas Overhangs

See Section 3.43, Overhangs/Sunshades/Awnings – Cloth or Canvas.

3.18 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 are also 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.

3.19 Dog Houses

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

3.20 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 must be located in side-yard if home backs up to the common area. Dog runs will be limited to two hundred (200) square feet, unless a variance is granted by the ACC. Dog run fences should be left natural in color and sealed to prevent weathering. Dog runs must be made of wood. The ACC may adopt approved heights, stains and configurations for fencing. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

3.21 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). No "burglar bars," steel or wrought iron bars or similar fixtures, whether designed for decorative, security or other purposes, shall be installed on the exterior of any windows or doors of any building.

- A. Storm Doors. Approval is not required for storm doors as long as the door is complimentary with the color scheme of the home. Owners wishing to utilize a different color must first obtain approval.
- B. Security Doors and Windows. All security or security-type doors and windows must be approved prior to installation.

3.22 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. The ACC 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, will not be tolerated.

3.23 Driveways

Approval is required for any changes or alterations to driveways. This includes construction of a pull-off area to the side of the driveway and/or concrete driveway extensions. Driveway expansions of up to six (6) inches on each side are permitted with approval. Any replacement or expansions must match the existing style and color of concrete. 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.

3.24 Evaporative Coolers

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

See Section 3.5, Air Conditioning Equipment.

3.25 Exterior Lighting

See Section 3.41, Lights and Lighting.

3.26 Fences

3.26.1 General Statement

Declarant, Builders and/or the District may construct entryways, fences, fence pillars or walls on the Common Elements or those portions of the Property owned by Declarant, Builders and/or the District. No other Owners shall construct, modify, replace, paint or obstruct any fence, fence pillars or walls except in accordance with the prior written approval of the ACC. For purposes of this section, hedges shall be the same as fences and subject to the same restrictions. The term "wall" as used in this section shall mean walls which are free-standing and intended to enclose the areas outside a structure. Material for containment of any pets permitted by these Restrictions may be added to perimeter fencing so long as the ACC has approved such material.

3.25.2 [Intentionally Deleted]

3.26.3 Fence Designs

Fencing shall be completed within (9) months after initial conveyance of the property to the owner, with consideration given to planting seasons. Should an extension be foreseen due to time of year, written notice must be made to the ACC (Architectural Control Committee) prior to the 9-month expiration, at which time; the ACC will issue a new time requirement to the owner, but in no case later than 12 months after conveyance.

All rear or side yard fences along property lines require approval of the ACC and shall comply with any fence specifications adopted by the ACC. Double fencing of property lines shall not be permitted. Please see Exhibit A for examples of required fencing per the ACC.

3.26.4 Maintenance/Staining

All fences constructed on a Lot shall be maintained in good condition and repair by the Owner. All staining and sealing of fences will be in a color and in a manner approved by or adopted by the ACC. Please see Exhibit A for formula details.

3.26.5 Gates

Gates are only permitted in the wing fences with prior approval; gates are not permitted along rear lot lines.

3.26.6 Prior Approved Fencing

Replacement of any existing fencing must comply with the then current guidelines or ACC adopted standards related to fencing.

3.26.7 Pet Fencing

Pet fencing may include any invisible fence on or within the perimeter boundary of an Owner's site per the above fencing standards. Wire mesh fencing may be permitted subject to ACC approval on the inside of ACC approved fencing.

See Section 3.19, Dog Houses and Section 3.20, Dog Runs.

3.27 Fertilizers*

No fertilizers or similar substances of any kind may be applied to any portion of the Property, including the Lots, except those approved by the ACC from time to time. Such approval may be granted in blanket form pursuant to the Rules. In connection with the application of any such approved fertilizer of similar substance to any Lot, the Owner must use care to minimize runoff and must comply with all applicable law.

3.28 Fire Pits

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

3.29 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. Firewood must be shielded from view in the home backs up to the common area.

3.30 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 thirty (30)

days prior to the start of the particular holiday/event or celebration and must be removed no later than thirty (30) days following the particular holiday/event or celebration. 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 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 ACC. 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.

3.31 Garage; Parking, and Prohibited Vehicles*

- A. Garages; Parking. If any Lot includes an enclosed garage, such enclosed garage must be used for vehicular parking and not for storage of personal property in a manner that prohibits vehicular parking. Vehicles shall be parked only in the garages, in the driveways servicing the Lots or in appropriate spaces or areas within a Lot as may be approved by the ACC from time to time in that order of priority. Garage doors shall remain closed when not in use for ingress or egress of vehicles or persons. The ACC may adopt Rules pertaining to vehicles and parking within the Property from time to time not inconsistent with these Restrictions.
- B. Prohibited Vehicles. Except as otherwise set forth in the Rules and except as required by applicable law, commercial vehicles, vehicles with commercial writing on their exteriors, vehicles primarily used or designed for commercial purposes, tractors, mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camper trailers, boats and other watercraft, and boat trailers may not be kept on the Property, except in enclosed garages. Stored vehicles and vehicles which are inoperable or do not have current operating licenses shall not be permitted on the Property except within enclosed garages. For purposes of this section a vehicle shall be considered "stored" if it is up on blocks or covered with a tarpaulin and remains on blocks or so covered for 7 consecutive days without the prior approval of the ACC. Service, construction and delivery vehicles may be parked on the Property for such

periods of time as are reasonably necessary to provide services or to make deliveries to the Property. Any vehicle parked in violation of this Section or any Rules may be towed at the direction of the District and at the expense of the Owner of the affected Lot or the owner of the vehicle.

3.32 Gardens

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.

3.33 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. The gazebo can be no more than eleven (11) feet at the highest point.

3.34 Grading and Grade Changes

See Section 3.22, Drainage.

3.35 Greenhouses

Approval is required. 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.

3.36 Hanging of Clothes

See Section 3.16, Clothes Lines and Hangers.

3.37 Hot Tubs and Jacuzzis

Approval is required. Hot tubs and Jacuzzis must be an integral part of the deck or patio area and of the rear yard landscaping, and be installed in such a way that it is not immediately visible to adjacent property Owners and that it does not create an unreasonable level of noise for adjacent property Owners. In some instances, additional plant material around the hot tub may be required for screening. Non-vegetative screening materials should match or complement the house or deck structure. Prefabricated hot tub enclosures will be evaluated on a case-by-case basis, and may require additional plant material screening.

3.38 Irrigation*

All landscape irrigation by an Owner shall be supplied solely with public water sources provided by the Fort Collins Loveland Water District and limited in amount and frequency to that which is

reasonably necessary and appropriate and shall at all times comply with any restrictions or guidelines put in place by any applicable governmental entity, including without limitation, the local water district. In no event shall any landscape irrigation be allowed to result in flooding, saturation or other adverse effects of, on or to other property.

3.39 Kennels

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

Also see Section 3.20, Dog Runs.

3.40 Landscaping

Landscaping shall be completed within (9) months after initial conveyance of the property to the owner, with consideration given to planting seasons. Should an extension be foreseen due to time of year, written notice must be made to the ACC (Architectural Control Committee) prior to the 9-month expiration, at which time; the ACC will issue a new time requirement to the owner, but in no case later than 12 months after conveyance.

Approval is required. 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.

The ACC 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.

All landscaping shall be maintained in good condition in accordance with Section 6 of the Declarations. This includes to both front yards and back yards of all lots. Any areas on a Lot outside the fencing envelope established under the Design Criteria (if applicable) shall be kept in such area's natural state. No artificial vegetation, lawn ornaments or statues shall be permitted outside of any structure on any Lot.

3.41 Lights and Lighting*

No light shall be emitted from any Lot which is unreasonably bright or causes unreasonable glare or shines directly onto an adjacent Lot. There shall be no exterior floodlights, searchlights, spotlights, sodium vapor lights or barnyard lights. Without limiting the generality of the foregoing, all exterior lighting on a Lot must be in compliance with the Design Criteria.

3.42 Ornaments/Art - Landscape/Yard

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 not required for yard ornaments which are installed in the rear yard and which are of a height less than three (3) feet unless they back up to common area.

Approval is required for any other yard ornaments.

See Section 3.69, Statues or Fountains.

3.43 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 3.45, Patio Covers.

3.44 Painting

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

3.45 Patio Covers

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

3.46 Patios - Enclosed

See Section 3.3, Additions and Expansions.

3.47 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.

See Section 3.18, Decks.

3.48 Paving

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

See Section 3.23, Driveways.

3.49 Pipes

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

3.50 Play Structures and Sports Equipment

Approval is required. 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 cloth/canvas tarps will not be approved. Height of any play structure or sports equipment may not exceed twelve (12) feet.

3.51 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. Playhouse must be placed at least ten (10) feet from lot lines.

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 or if the home backs up to common area.

See Section 3.2, Accessory Buildings.

3.52 Poles

See Section 3.30, Flags/Flagpoles.

3.53 Ponds and Water Features

Approval is required. Considerations by the ACC 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.

3.54 Radio Antennae

See Section 3.6, Antennae/Satellite Dishes.

3.55 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.

3.56 Roofing Materials

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

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

3.57 Rooftop Equipment

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

See Section 3.67, Solar Energy Devices.

3.58 Satellite Dishes

See Section 3.6, Antennae/Satellite Dishes.

3.59 Saunas

See Section 3.2, Accessory Buildings.

3.60 Screen Doors

See Section 3.21, Doors.

3.61 Seasonal Decorations

Approval is not required if installed on a lot within thirty (30) 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 3.41, Lights and Lighting.

3.62 Security Devices.

Approval is not required. Security devices, including cameras and alarms, must be selected, located and installed so as to be an integral part of the house and not distract from the home's architecture and appearance. Cameras and housing sirens, speaker boxes, conduits and related exterior elements should be unobtrusive and inconspicuous. Such devices should be located where not readily visible and should be a color that blends with or matches the surface to which it is attached.

3.63 Sheds

See Section 3.2, Accessory Buildings.

3.64 Shutters - Exterior

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

3.65 Siding

Approval is required.

3.66 Signs*

No sign of any kind, including, without limitation, banners or similar items advertising or providing directional information, shall be erected on the Property without the written consent of the ACC, except entry and directional signs installed by Declarant, the ACC or the District and except for one sign, not to exceed two feet by three feet in dimension, which may be used in connection with the sale of the Lot or home; provided, however, that if permission is granted to any Person to erect a sign on the Property, the ACC may restrict the size, color, lettering, placement and length of time for display of such sign.

3.67 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 ACC is allowed to request changes as long as they don't significantly increase the cost or decrease the efficiency of the proposed device and panels. Please also see Colorado Law C.R.S. 38-30-168, which governs the review and the Owner's installation of such devices.

3.68 Spas

See Section 3.37, Hot Tubs and Jacuzzis.

3.69 Statues or Fountains

Approval is not required if statues or fountains are installed in the rear yard and are not greater than four (4) feet in height from the highest point, including any pedestal. Statues or fountains must be screened from view if the home backs up to common area.

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 3.13, Birdbaths and Section 3.42, Ornaments/Art – Landscape/Yard

3.70 Storage Sheds

See Section 3.63, Sheds and Section 3.2, Accessory Buildings.

3.71 Sunshades

See Section 3.43, Overhangs/Awnings – Cloth or Canvas and Section 3.45, Patio Covers.

3.72 Swamp Coolers

See Section 3.5, Air Conditioning Equipment, Section 3.24, Evaporative Coolers, and Section 3.57, Rooftop Equipment.

3.73 Swimming Pools, Tennis Courts and Fire Pits*

Swimming pools, tennis courts and fire pits may be constructed on a Lot; provided, that no more than one each shall be allowed on each Lot and any such fire pit shall be gas operated. The design and location of all swimming pools, tennis courts and fire pits on a Lot shall be subject to approval by the ACC. No wood-burning fires shall be intentionally caused or created outside of a Residence located on any Lot; provided, however, this Section 5.9(n) shall not operate to prohibit any barbeque grill used in accordance with applicable law.

3.74 Swing Sets

See Section 3.50, Play Structures and Sports Equipment.

3.75 Television Antennae

See Section 3.6, Antennae/Satellite Dishes.

3.76 Tents

Unless otherwise approved by the ACC in writing, camping tents shall be permitted within the backyard of a Residence, on the following conditions:

- A.** Any such tent does not exceed 8 feet in height;
- B.** No more than 3 such tents shall be assembled within any backyard at the same time;
- C.** No tent shall be assembled on any backyard for more than 3 consecutive nights or more than 7 nights within any 30-day period.
- D.** Unless otherwise approved by the ACC in writing, a tent intended to accommodate functions such as weddings, parties or similar events shall be permitted on any Lot, on the condition that no such tent is assembled on any Lot for more than 48 hours or assembled on such Lot for more than 72 hours during any 30-day period.

3.77 Trash and Recycling Containers

Trash and recycling containers, including trash bags used for overflow trash, cannot be placed at the curb until the day preceding the trash pick-up and must be removed by the end of the day following trash pickup.

3.78 Tree Houses

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

3.79 Trees*

No trees, shrubbery or similar items shall be removed except with the prior written approval of the ACC.

3.80 Vanes

See Section 3.84, Weather Vanes and Directionals.

3.81 Vents

See Section 3.57, Rooftop Equipment.

3.82 Walls

See Section 3.26, Fences and Section 3.83, Walls, Retaining.

3.83 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.

3.84 Weather Vanes and Directionals

Approval is required.

3.85 Wind Electric Generators

Approval is required. In addition to ACC 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.

3.86 Windows Replacement

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

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

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

No external window covering or reflective covering may be placed, or permitted to remain, on any window of any building, structure or other improvement within the Property without the prior written approval of the ACC.

3.88 Xeriscape

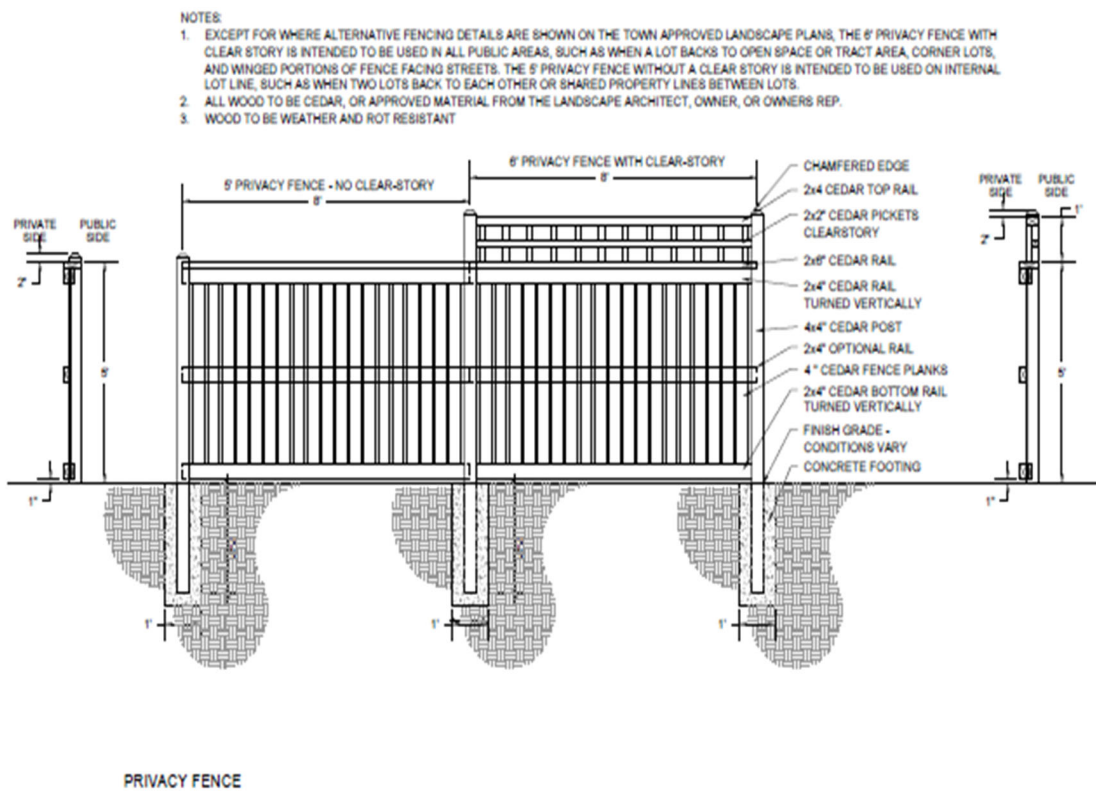
Approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, the design must be approved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch will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

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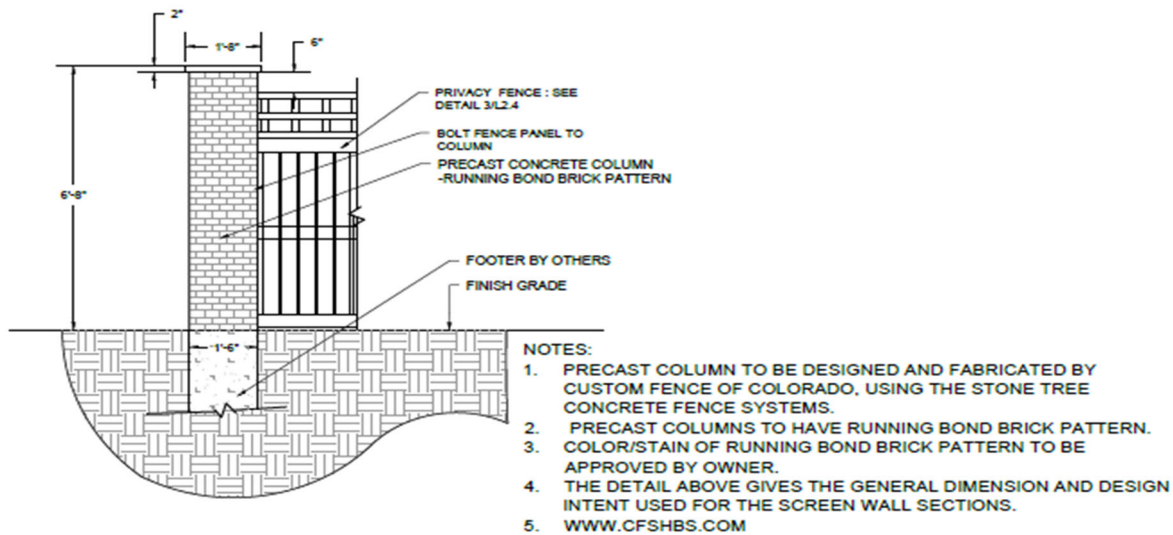
4 EXHIBIT A: Required Fencing & Stain Formula

Fence Stain Formula:

FOR ALL FENCING DETAILS BELOW, PAINT OR STAIN TO BE DIAMOND VOGEL PAINTS - SEMI-TRANSPARENT GRAIN STAIN OR APPROVED EQUAL.

Required Typical Fencing Example (Pay Close Attention to Note 1 Below):

Alternate Fencing Details Per Town Approved Landscape Plans (Only Allowed Where Specifically Shown on Town Approved Landscape Plans):

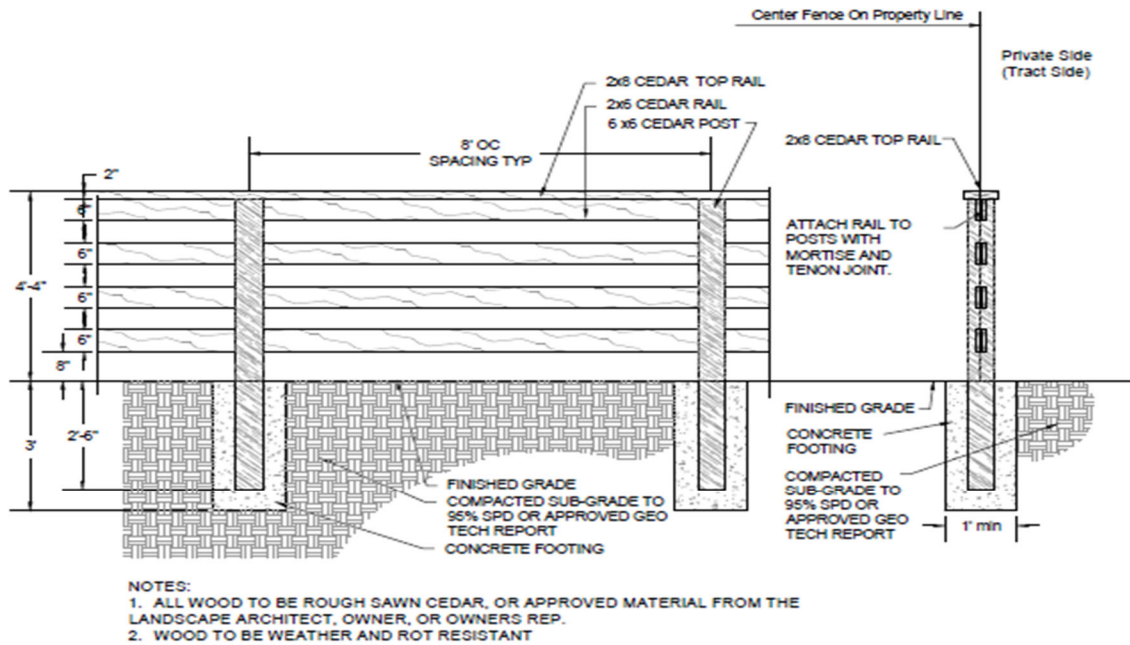


3

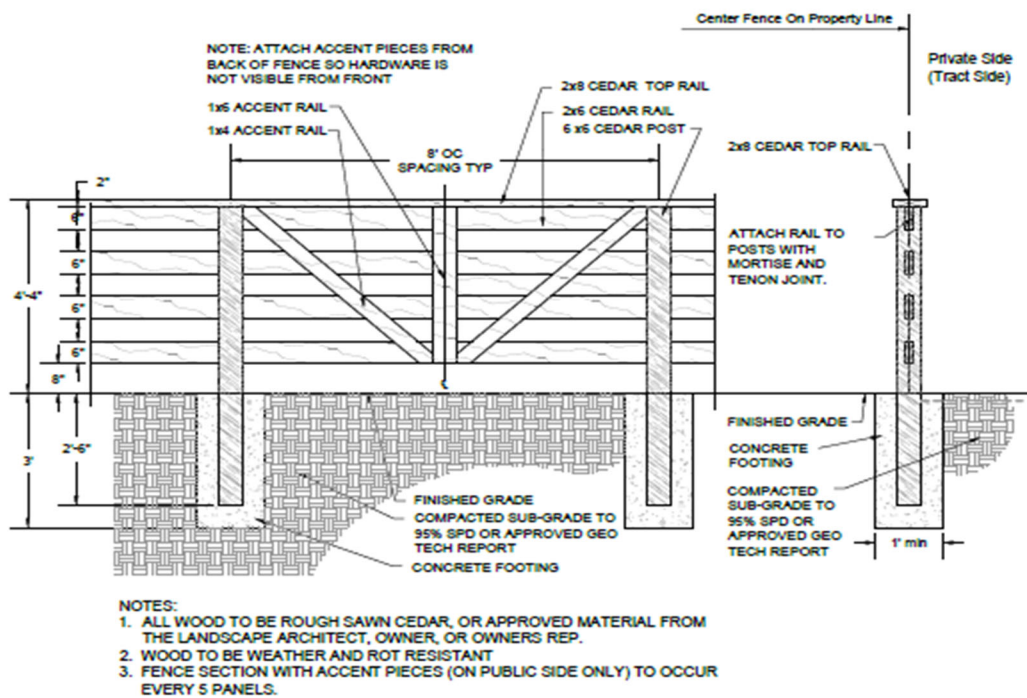
ENHANCED ARCHITECTURAL FENCE - PRIVACY

SCALE: NTS

NOTE: USE OF PRIVACY FENCE TO BE COORDINATED WITH HOMEBUILDER AND DEVELOPER.



4 RAIL FENCE



4-RAIL FENCE ACCENT PANEL

Note: Where 4 Rail Fence is required on Town Approved Landscape Plan, 4 Rail Fence will be constructed along side lot lines of adjacent lots.

5 APPENDIX A: Architectural Control Request Form

ARCHITECTURAL CONTROL REQUEST FORM

Timnath Lakes Metropolitan District
141 Union Blvd., Suite 150
Lakewood, CO 80228
303-987-0835

FOR OFFICE USE ONLY

Date Received _____

Crucial Date _____

Date Sent to Entity _____

Date Rcvd from Entity _____

HOMEOWNER'S NAME(S): _____

ADDRESS: _____

EMAIL ADDRESS: _____

PHONE(S): _____

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

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

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 Aspen Reserve). Be sure to show existing conditions as well as your proposed improvements and any applicable required screening. Example: if you will be building a storage shed, be sure to indicate lot size, fence locations, dimensions, materials, any landscape or other screenings, etc. (see the Rules and Regulations for requirement details for your specific proposed Improvement).

I understand that I must receive approval from the ACC 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 ACC 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 ACC and the members thereof, as well as the District, the Board of Directors, or any representative of the ACC, shall not be liable for any loss, damage or injury arising out of or in any way connected with the performance of the ACC 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 ACC 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 ACC reserves the 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 Control Request.

Date: _____ Homeowner's Signature: _____

ACC Action:

- ☐ Approved as submitted
- ☐ Approved subject to the following requirements:

- ☐ Disapproved for the following reasons:

All work to be completed no later than: _____

DRC/ACC Signature: _____ Date: _____

SUBMITTAL FEES

Submittal Fees shall be charged on the following schedule each submittal:

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