

RESOLUTION NO. 2023-09-01

RESOLUTION OF THE BOARD OF DIRECTORS OF MUEGGE FARMS METROPOLITAN DISTRICT NO. 1 ADOPTING DESIGN STANDARDS FOR SINGLE-FAMILY DETACHED HOMES OF MUEGGE FARMS FILING NO. 4

1. The Muegge Farms Metropolitan District No. 1 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the Town of Bennett, County of Adams, Colorado.
2. The District operates pursuant to the Amended and Restated Service Plan for Muegge Farms Metropolitan District Nos. 1, 2, 3 and 4, as approved by the Board of Trustees for the Town of Bennett, Colorado on March 24, 2020, as the same may be amended and/or modified from time to time (the “**Service Plan**”).
3. Pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.”
4. Clayton Properties Group II, Inc., (the “**Developer**”) has caused to be recorded Master Declaration of Covenants, Conditions, and Restrictions for Muegge Farms Filing No. 4, recorded on June 10, 2022, at Reception No. 2022000051607 of the County of Adams, Colorado, real property records, as the same may be amended and/or modified from time to time (the “**Covenants**”) applicable to the real property within the District (the “**Property**”).
5. Pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District’s Service Plan, a metropolitan district may provide covenant enforcement within the District if the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement and design review entity.
6. The Covenants provide that it is the intention of the Developer to empower the District to provide covenant enforcement services to the Property.
7. Pursuant to the Covenants, the District may promulgate, adopt, enact, modify, amend, and repeal design standards concerning and governing the Property and the enforcement of the Covenants.
8. The District desires to provide for the orderly and efficient enforcement of the Covenants by adopting the Design Standards (defined below).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MUEGGE FARMS METROPOLITAN DISTRICT NO. 1:

1. The Board of Directors of the District hereby adopts the Design Standards for Single-Family Detached Homes of Muegge Farms Filing No. 4 as described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “**Design Standards**”).

2. The Board of Directors declares that the Design Standards are effective as of September 29, 2023.

3. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2023-09-01

APPROVED AND ADOPTED this 29th day of September, 2023.

**MUEGGE FARMS METROPOLITAN
DISTRICT NO. 1**

DocuSigned by:
By: James Marshall
President PF8A6A2080B446F...

Attest:

DocuSigned by:
A.J. Beckman
Secretary or Assistant Secretary

EXHIBIT A

DESIGN STANDARDS OF MUEGGE FARMS FILING NO. 4

Muegge Farms Metropolitan
District No. 1
Design Standards for
Single-Family Detached
Homes (Filing 4)

September 2023

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Introduction and Purpose

The goal of the Muegge Farms Metropolitan District No.1 Design Standards ("Design Standards") for Single-Family Homes is to provide general design criteria and guidance for new and future homeowners for future enhancement of a home and visual compatibility to the house's particular architectural style.

The Muegge Farms Design Review Committee ("DRC") has jurisdiction over design and aesthetic aspects of the Covered Property. Covered Property is defined as all real property covered by the Declaration of Covenants, Conditions and Restrictions for Muegge Farms Metropolitan District Filing No. 4, as may be amended, or supplemented from time to time (the "Master Declaration") which includes all residential sites/lots. The DRC is a committee established and appointed by the Muegge Farms Metropolitan District ("District") as provided in the Master Declaration.

The DRC must approve all plans for any alteration of the exterior of the Residential Site or the Improvements, including architectural or landscape modifications, before the modifications are made. The DRC also has the right to review modifications as they are constructed and give final approval of completed modifications.

Administration of Design Standards

It is the responsibility of the DRC to ensure that all proposed improvements meet or exceed the requirements of these Design Standards and promote the highest quality design for the neighborhood. Specific duties and powers of the Committee are defined in the Master Declaration.

- Approval of Improvements by the DRC is for aesthetic purposes only. It is the Homeowner's responsibility to see that all federal, state, and local ordinances and codes are followed. Permits may be required by the town or other governmental agency.
- The DRC will be responsible for all front, side and rear yard landscape reviews and final approvals and they will use these Design Standards as their tool for reviews.
- The reviews will be done in a timely manner and the DRC agent will be in direct contact with each homebuyer. In addition to the front yard landscape plan submitted by the builder, the homebuyer may elect to submit their rear yard design plan, if not installed by the builder prior to the house closing to expedite the process. This will assist the homeowners to complete their rear yard landscaping in the time frame as outlined in the Submittal Review Schedule section.

Variances

Approval of any proposed plans is at the sole discretion of the DRC. The DRC may grant variances from any of the provisions of these Design Standards when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations create undue hardship for the property owner. Should the DRC approve an Improvement which is a variance from compliance with the provisions of the Master Declaration, it does not constitute waiver of the Master Declaration for any other similar Improvement.

Revisions to Design Standards

The DRC reserves the right to revise these Design Standards from time to time as changing conditions and/or priorities dictate.

The Design Standards are a supplement to all applicable government Codes and Regulations. These Standards are also supported by the following:

Design Conditions and Restrictions

The Standards do not supersede or modify any existing applicable Town Codes or Regulations. Any requests for variances to the laws, regulations, or standards adopted by the town shall be submitted to the appropriate municipal agency according to established procedures following review and approval by the DRC. In the event of conflict or discrepancy, or for subjects not addressed herein, or as part of the Master Declaration, the municipal regulations and codes take precedence, and the most restrictive standards shall apply.

Provided that DRC acts in good faith, neither DRC nor any representative there of shall be liable to any applicant or any other person for any damage, loss or prejudice suffered or claimed on account of the review of plans, specifications, or materials. The review and delivery of a form of approval or disapproval is not to be considered an opinion as to whether the plans are defective or whether the construction methods or performance of the work proposed therein is defective, or whether the facts therein are correct or meet town building codes.

DESIGN STANDARDS ENFORCEMENT POLICY

It benefits all homeowners in Muegge Farms Filing No. 4 to follow the established Design Standards to promote the common good and enjoyment of the homeowners' investments, protect property values and maintain a pleasant living environment. Pursuant to the Master Declaration and Section 32- 1-1001 (1)(j) C.R.S., failure to adhere to the Rules and Regulations as outlined in the Master Declaration may result in monetary penalties, or suspension of any services provided by the District. Furthermore, the homeowner may also be held responsible for costs incurred by the District to resolve the issue such as, but not limited to, legal expenses, additional review fees and inspection expenses. By statute and legal documents, unpaid penalties are the first lien on the property in question and may be foreclosed through judicial proceedings.

- First Notice of Violation- Courtesy Notice
Notice is given to homeowner outlining the nature of the alleged violation and a request for compliance within fourteen (14) days of written notice.
- Second Notice of Violation- Fine Warning
Notice is given to homeowner that alleged violation has not been corrected and a \$50.00 penalty will be imposed if there is not compliance within fourteen (14) days.
- Third Notice of Violation- \$50.00 Penalty
Notice is given to the homeowner that the alleged violation has not been corrected and a penalty of \$50.00 has been imposed. The homeowner is given notice of a \$100.00 penalty if the alleged violation is not corrected within 14 days. Covenant violations cannot be appealed however, if a homeowner disagrees with any alleged landscape violation (such as late, un-approved or inappropriate improvements) they can appeal in writing to the DRC within 10 days of receipt of notice. The DRC will set a date when the homeowner can be heard to review the issue.
- Fourth Notice of Violation - \$100.00 Penalty

Notice is given to the homeowner that the alleged violation has not been corrected and a penalty of \$100.00 has been imposed. The homeowner is given notice that subsequent penalties of \$100.00 will be imposed every 14 days until the alleged violation is corrected. The homeowner may be responsible for all costs incurred by the District to resolve the issue, including but not limited to: fines, fees, liens, and legal fees. Notwithstanding, the foregoing, it is the opinion of the DRC that the violation in question gives indications that the property has been abandoned, is vacant, is in foreclosure or the violation is otherwise continuing without indication that a remedy is imminent. The DRC may accelerate the period of notifications, record, statements of lien, exercise the self-help provisions available under the Documents, or turn the matter over to the DRC's legal counsel for collection action.

Design Review Procedures

GENERAL CONDITIONS

The following general conditions should be adhered to as follows:

- DRC approval does not constitute waiver of any requirements required by applicable governmental agencies for the subject improvement or modification.
- DRC approval of plans does not constitute acceptance or responsibility of any technical, engineering, structural or drainage specifications. The function of the DRC is to review submittals as to aesthetics. All technical engineering, structural, or drainage matters are the responsibility of the homeowner.
- Approved plans are not to be considered authorization to change the original drainage plan as installed by the Builder and approved by the applicable governmental agency.
- Access for equipment used in construction must be through your Residential Site only. Access over District Property requires written authorization from the DRC.
- If proposed Improvements require access to District Property for the purposes of transporting labor or materials, written permission for such access shall be required from the DRC. Any such requests must be filed with the DRC prior to the commencement of construction.
- Streets may not be obstructed with objects and building materials that are hazardous to pedestrians, vehicles, etc. Items such as, but not limited to, sand, rock and building materials, may not be stored on streets, sidewalks, or District Property.
- Building permits from any applicable County, Town or government agency may be required for certain improvements.
- Any damage to District Property will be replaced or repaired by a District subcontractor. All applicable charges for restoration will be charged back to the Homeowner by the District and is due and payable within 30 days from notification.
- Approval of plans is not authorization to proceed with Improvements on any property other than the Residential Site owned by the Homeowner.
- Homeowner may also need to acquire approval from the utility company and/or the Town for permission to encroach within an easement which will access Homeowner's Residential Site.
- Any photos required by the DRC will not be returned to the Homeowner.
- No Homeowner shall alter any landscaping, and/or otherwise change any District Property.
- All work must be performed in a manner consistent with the original construction standards of the home, and with the design and appearance of the community. All work considered being of an unsightly finished nature, or of lesser quality than the

prevailing standards, shall be reworked to an acceptable appearance at Homeowners' expense.

- If written approval of the DRC is not obtained for any exterior change to a Residential Site, construction shall constitute a violation of the Master Declaration, and the unauthorized Improvement may have to be modified or removed at the Homeowner's expense.

DESIGN REVIEW APPLICATION FEE

There is an Initial Design Review Fee of \$100. Subsequent or small items will be charged a \$25 Design Review Fee. The Application Fee must be submitted with application before review begins.

DESIGN REVIEW COMMITTEE PROCESS

The intent of the design review process as described below is to ensure that residential neighborhoods developed within Muegge Farms Filing No. 4 contribute to the character and quality envisioned for the community.

In order ensure a consistent, high quality and integrated design throughout all phases of the project, the DRC will review and approve the proposed plans prior to submission to the Town of Bennett Building Department. A design review process has been established to review architecture and landscape design for conformance to the Design Standards. The DRC reviews the *Design Review Request Form* and the drawings for completeness and consistency with these Design Standards.

Submittal Review Schedule

- All submittals must be received by the Muegge Farms Metropolitan District
Attn: Muegge Farms Design Review Committee
c/o Public Alliance LLC
405 Urban Street, Unit 310
Lakewood, CO 80228
Email: mueggefarms@publicalliancellc.com
- Submittals to, and approvals by, the DRC shall occur prior to installation and should be done before ordering materials and the start of demolition or construction.
- The homeowner must submit landscape plans to the DRC within 60 days after closing on the purchase of the home.
- Any submittals not complete (as to required forms, copies, information) will not be accepted and will be returned to the Homeowner.
- After a submittal is accepted as complete and meets all requirements, the DRC's approval or disapproval shall be given within a timeframe not to exceed thirty (30) business days after submittal acceptance. Approval may be given with conditions. If the DRC has not denied the submittal in writing within 60 days of receipt, then it shall be deemed approved.
- Once a Homeowner or Builder receives approval from the DRC, construction may commence, and timely completion of the approved improvements is required.
 - Architectural Improvements must be completed within 12 months.
 - Landscape Improvements must be installed within 120 days of approval unless the home is first occupied between October 1 and March 31, where completion may be delayed until June 30.
- Construction must proceed consistent with the approved plan. All deviations must be submitted for review and approved by the DRC prior to commencement of work on those deviations.
- Upon completion of the approved Improvement(s), a *Notice of Completion* must be forwarded to District.
- The DRC has 60 days after the Notice of Completion during the growing season is submitted to inspect the Improvement(s).

Approvals and re-submittals

All submittals reviewed by the DRC to be stamped as follows:

- APPROVED: Plans meet all DRC requirements
- APPROVED SUBJECT TO THE FOLLOWING: Plans meet all or most of DRC requirements but may contain some minor items in need of clarification or correction. Plans will also be stamped APPROVALS SUBJECT TO THE FOLLOWING if the DRC wants to inform the applicant of certain conditions that may affect other plan submittals or construction improvements.
- Plans may also contain significant deviations or deficiencies from DRC requirements and must be corrected or clarified before DRC grants approval. All resubmittals to DRC must be a complete plan set and must address each comment and any change to the plans in writing and on the plans. Partial resubmittals of corrected sheets only will not be accepted. This type of review may be noted as an APPROVED SUBJECT TO THE FOLLOWING or as DENIED.
- DENIED: Plans contain items that are not allowable under these standards or need substantial revision and should be resubmitted. Notes regarding the reason for the denial will be provided.

CONSTRUCTION SHOULD NOT BEGIN ON ANY IMPROVEMENTS UNTIL ALL SUBMITTALS FOR THAT TYPE OF IMPROVEMENT HAVE BEEN APPROVED.

Any change to the plans after DRC approval, including those not specifically requested by the DRC, must be re-submitted for approval with the changes noted. Upon receipt of submittal comments, the applicant may contact DRC to schedule a meeting to review and address such comments in further detail. The DRC will make periodic in-progress inspections of construction to ensure compliance with the approved construction documents, plans and standards on house construction, the Builder will provide the DRC with a written NOTICE OF CONSTRUCTION at least 7 calendar days prior to the start of construction.

Field changes

Field Changes- Should any material, changes of color, material or exterior elevation be necessary, it will be the responsibility of the Builder or homeowner to contact a DRC representative to explain the nature of the change and get a determination if an official review by the DRC with drawings will be required. At that point in time, directions can be given as to the next step in the process regarding such necessary field changes.

SUBMITTAL REQUIREMENTS

Architecture/Building Changes

Each submittal must include the following:

- Muegge Farms MD No.1 Design Review Request Form - 1 copy
- Plans and specifications, including color scheme and samples (if applicable) - 1 copy
- The minimum size requirement for a plan submittal is 8 ½" x 11".
- The plan must be drawn to scale indicated on plan.
- Provide your name, address, and Builder on each plan.
- Indicate the location of the bottom of any slope and the top of any slope, if applicable for architectural Improvements.
- Accurately show the footprint of your Residential Site, including lot lines, existing fences and/or walls, and existing utilities for both architectural and landscape improvements. This information may be available from the Builder or from local Town planning agencies.

- For hardscape improvements show proposed new and existing: paving, wall, fences, pools, patio covers, drainage, and structures accurately described as to material, length, height, and angles.
- Indicate the nature, kind, shape, dimensions, materials, color, finish and location for all proposed Improvements.
- Provide a description of the materials to be used, including the proposed color scheme for all proposed Improvements. Attach samples.
- Grading plans (if applicable for architectural and landscape Improvements), which show where the established drainage pattern may be altered by the proposed Improvements. Indicate locations of drainage devices and curb cores. Alterations to any drainage pattern require an Engineering Drainage Certificate, which will be the responsibility of the homeowner.
- Any other information as requested by the DRC.

Landscape Plan (Initial Design or Amendment) – Front, Side or Rear Yards

Each submittal must include the following:

- Muegge Farms MD No.1 Design Review Request Form - 1 copy
- Plans and specifications, including color scheme and samples (if applicable) - 1 copy
- The minimum size requirement for a plan submittal is 8 ½" x 11".
- The plan must be drawn to scale indicated on plan.
- Provide your name, address, and Builder on each plan.
- Indicate the location of the bottom of any slope and the top of any slope, if applicable for both architectural and landscape Improvements.
- Accurately show the footprint of your Residential Site, including lot lines, existing fences and/or walls, and existing utilities for both architectural and landscape improvements. This information may be available from the Builder or from local Town or County planning agencies.
- For hardscape improvements show proposed new and existing: paving, wall, fences, pools, patio covers, drainage, and structures accurately described as to material, length, height, and angles.
- Indicate the nature, kind, shape, dimensions, materials, color, finish and location for all proposed Improvements.
- Provide a description of the materials to be used, including the proposed color scheme for all proposed Improvements. Attach samples.
- Grading plans (if applicable for architectural and landscape Improvements), which show where the established drainage pattern may be altered by the proposed Improvements. Indicate locations of drainage devices and curb cores. Alterations to any drainage pattern requires an Engineering Drainage Certificate, which will be provided by the homeowner.
- Landscape irrigation description with notes on types of irrigation.
- Location of all landscape trees, shrubs, and turf areas.
- A list of the plant material that you are proposing to use for landscape submittals. This must include trees, shrubs, vines, ground covers, sizes of material and locations.

Architectural Standards

The following architectural Standards should be adhered to as follows:

- Submittal to the DRC for review/approval of architectural alterations, modifications and additions is required, and shall be done before ordering materials and start of demolition or construction.
- The architectural integrity of the home's style shall be maintained in all its aspects.
- The existing architectural design details (i.e., doors, windows, cornices, roof, fascia, etc.) shall be maintained in any proposed alteration, modification, or addition.
- Color and material palette changes shall be consistent with the range of palettes for the subject home's architectural style and location.
- Color samples of all paint, stain, veneers, wall materials, stone and etcetera are required to be submitted to the DRC.
- Existing building setbacks from the street shall not be reduced.
- Minimum rear yard building setbacks shall not be reduced.
- Where a single-story element is modified, the addition must provide a replacement single story element.
- Where an exterior wall offset is modified, the addition must provide a replacement wall offset.
- Existing room forms and roof articulation shall be emulated in a proposed addition or expansion.
- Existing variation in building height shall be emulated in any proposed alterations to the roof and roof lines, within the maximum permitted building height.
- Modifications to Diverters/Gutters/Down Spouts must be submitted to the DRC for review and approval. Such Improvements shall be colored to match adjacent surfaces to which they are attached or consist of a material that matches the architectural style of the home and shall be tied to the yard drain system.
- Timely construction of DRC approved Improvements is required. Architectural Improvements must be completed within 12 months.
- Careful consideration shall be given to the massing, proportions, and the overall scale of each design. A home's mass will be "broken up" to reduce its apparent scale, provide visual interest and depth, and achieve a more articulated building form.
- Large, flat, unbroken building planes on the front and rear elevations shall be prohibited. Side elevations without windows shall be discouraged.
- Size, shape, proportions, and trim of doors and windows shall be consistent with the architectural style of the home.
- Heights of architecture should vary to create a more inviting residential streetscape and to accommodate a pedestrian scale.

DECKS, BALCONIES AND COVERED PATIOS

The design of elevated decks, balconies and covered patios including colors and materials should be consistent with the main structure. All vertical elements (railings, supports and columns, fascia, and overhead structures) should be finished consistent with the exterior architectural style. Columns and/or supports are encouraged to appear substantial and proportionate to the building mass of the home.

Refer to the Town's regulations regarding encroachments into rear and side setbacks for landings, decks, stairs, and balconies.

Residential Landscape Standards

CHARACTER

The overall landscape design intent for Muegge Farms Filing No. 4 was created to celebrate the agricultural community of Bennett, integrating farm and community. Water-wise and native plant material shall be used throughout the community. Homeowners and builders are encouraged to continue this style of design and use of plant materials in the yards around the homes.

Water Efficiency / Xeric Landscape Principles

Landscape improvements are strongly encouraged to be designed with water efficiency as a major goal. The following design treatments should be kept in mind when designing a water efficient landscape:

- Appropriate turf selection
- Use of mulch to maintain soil moisture.
- Zoning of plant materials according to their light and water needs.
- Improvement of the soil with organic matter
- Efficient irrigation systems
- Proper maintenance and irrigation schedules
- Recirculation of water for decorative water features

GENERAL LANDSCAPE

Landscape Materials

- Plant material for your landscape shall be selected from the approved plant palette located in the Appendix.
- Trees, Shrubs, Ornamental Grasses, and Perennials must be healthy and of good quality when planted. They must meet the minimum size requirements noted below.
- Where possible layers of vegetation should be used to help define spaces (large trees, understory trees, shrubs, herbaceous plants, grass)
- Use tree species that provide shade, color, and variety.
- Use a diversity of species to limit loss from disease and insects.
- Rocks: No two or more types that are high contrasting colors of rock shall be used. Recommended varieties include, local river rock and Colorado rose. No lava rock is allowed.
- Boulders: Must be native to Colorado and must be approved by the DRC.
- Mulch: Wood mulch color shall be natural with pieces no larger than 3". Shredded cedar mulch, rubber mulch or black composite organic mulch are all allowed. High contrasting mulches will be prohibited.
- Edging: Edging is limited to heavy (wide gauge) steel, concrete, brick, or stone on a foundation
- Rock and mulch must use fabric weed barrier and edging and shall be installed to a minimum depth of two (2) inches.
- Water intensive plantings, such as turf, should be restricted to active areas and used sparingly in other cases.
- Turf is not to be planted immediately adjacent to or within five (5) feet of the foundation. A bed of rock mulch must be provided between the house and any turf areas.
- Use of synthetic turf is allowed as an alternative to natural turf. Synthetic turf installation should follow the same criteria as natural turf. Synthetic turf shall be of high quality and should mimic the look of natural turf. If synthetic turf is to be

used, manufacturer name and grade specification must be submitted for approval.

Minimum Plant Sizes

- Canopy Trees - 2-inch caliper at time of installation
- Ornamental Tree - 1 ½ inch caliper or 6' Ht. clump at time of installation.
- Evergreen Trees – 5 feet height at time of installation
- All trees must be staked or guyed using metal T-post or wood lodge pole stakes. Guy wires must be maintained by the homeowner to keep all newly planted trees set. Posts and stakes can be removed after 2 years from installation date.
- Shrubs- 5-gallon container
- Perennials or Ornamental Grasses – 1 gallon container
- Please see attached approved planting material lists for recommended plant material.

Maintenance

Landscaped areas shall be kept in a well-maintained, safe, clean, and attractive condition at all times. This includes:

- Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not part of the landscape.
- All live plant material shall be maintained in a healthy and growing condition and must be replaced with live plant material of similar variety and size.
- The owner or tenants shall provide all regular and normal maintenance of landscaping including weeding, irrigation, fertilization, pruning and mowing, unless maintenance is provided by the District.
- Grass shall not exceed six (6) inches in height.

Other Standards

- A permanent automated irrigating system must be installed, but no piping or sprinkler heads shall be within five (5) feet of foundation walls or slabs.
- Hardscape elements such as concrete, brick, stone, etcetera on front and side or rear yards must match or compliment the exterior colors and materials of the home.
- Existing street tree irrigation and trees must not be modified and shall be maintained as installed.

USE EASEMENT

When landscaping within the Use Easement, the use of rock or wood mulch is strongly encouraged against the house foundation of the adjacent lot. Planting with permanent irrigation is not permitted within the easement area. Synthetic turf is permitted within the Use Easement.

The following improvements are NOT PERMITTED within the Use Easement:

- Basketball backboards
- Decks / Patios
- Fences- other than fences installed by the Builder.
- Lighting
- Permanent Irrigation

- Plantings including grass, trees, shrubs, gardens, vegetables, and vegetative improvements.
- Pet Enclosures including dog houses and chicken coops.
- Permanent Play Equipment
- Structures such as gazebos, trellises or similar
- Spas, hot tubs and pools
- Storage Sheds
- Water features such as fountains
- Walls
- Any other permanent improvement

FRONT YARD LANDSCAPE (COACH HOUSE AND AMERICAN DREAM)

Front yard landscape shall be installed by the builder as depicted on the Front Yard Landscape Plan and maintained by the Operating District. Front yard irrigation and landscape improvements may not be modified and shall be maintained as installed.

FRONT YARD LANDSCAPE (SINGLE FAMILY HOMES)

If not installed by the Builder, front yards must be completely installed within the first growing season from the original date of close. Growing season is from May 15th to October 15th.

A minimum of 50% of the front yard area, excluding driveways, shall be landscaped with live plant materials. This may include a combination of natural turf, trees, shrubs, perennials, and ground covers. Rocks and mulch should cover the remaining portions of the yard. Natural turf lawns may not exceed 50% of the non-paved area of the front yard.

Front Yards shall have a minimum of:

- 1 Tree (evergreen, shade or ornamental)
- 5 Shrubs
- Natural turf
- Automatic irrigation system

Or

- 2 Trees (evergreen, shade or ornamental)
- 12 Shrubs
- No turf
- Automatic irrigation system

REAR/ SIDE YARD LANDSCAPE

If not installed by the Builder, side and rear yards must be completely installed within the first growing season from the original date of close. Growing season is from May 15th to October 15th.

A minimum of 50% of the combined side and rear yards shall be either landscaped with live plant material or paving material which creates patio. The remaining area shall be landscaped in a way that covers bare dirt with rock, mulch or other material suitable to prevent erosion, suppress weed and provide an attractive and long-lasting appearance.

- One (1) tree is required per rear yard.
- Four (4) shrubs are required for the rear and side yard combined.

Any change to drainage must be approved by the DRC and include an Engineering Drainage Certificate.

Specific Site Improvements

ADDRESS SIGN

- All homes must have a house number visible from the street and all house number(s) replacing the original number(s) do not need DRC approval as long as they do not exceed six (6) inches in height and the entire area of the sign shall not exceed 1 square foot. Acceptable materials shall include, but are not limited to, wood, ceramic tile, and metal.

ARTIFICIAL PLANTINGS

- Use of synthetic turf is allowed as an alternative to natural turf. Synthetic turf installation should follow the same criteria as natural turf. Synthetic turf shall be of high quality and should mimic the look of natural turf. If synthetic turf is to be used, manufacturer name and grade specification must be submitted for approval.

BASKETBALL BACKBOARDS

- No permanent basketball goals, hoops, backboards, or nets shall be installed in the front yard of a Residential Site. Permanent basketball goals, hoops, backboards, or nets may be installed in the rear or side yard of a Residential Site without DRC approval if they are at least 5' from any fencing and do not make use of neon color tones. Permanent basketball backboards may not exceed 12' in height.
- Temporary portable basketball backboards and poles may not be stored in the auto court or alley (carriage homes and American Dream homes only). They must be stored out of view from adjacent properties and streets except when in use.

DECKS

- Unroofed decks may project into a required setback, please refer to Town Code for the limits and requirements. Submittals for review should include dimensions, material descriptions and drawings showing the extents, heights, and materials of the proposed deck.
- The design of elevated decks, balconies and covered patios including colors and materials should be consistent with the main structure. All vertical elements (railings, supports and columns, fascia and overhead structures) should be finished consistent with the exterior architectural style. Columns and/or supports are encouraged to appear substantial and proportionate to the building mass of the home.

DRAINAGE

- DRC approval of plans does not constitute acceptance or responsibility of any technical, engineering, structural or drainage specifications. The function of the DRC is to review submittals as to aesthetics. All technical engineering, structural, or drainage matters are the responsibility of the homeowner.
- Approved plans are not to be considered authorization to change the original drainage plan as installed by the Builder and approved by the applicable governmental agency.
- For hardscape improvements show proposed new and existing: paving, wall, fences, patio covers, drainage, and structures accurately described as to material, length, height, and angles.
- All hardscape to have positive drainage of a minimum 1%.
- Grading plans (if applicable for architectural and landscape Improvements), which show where the established drainage pattern may be altered by the proposed Improvements. Indicate locations of drainage devices and curb cores. Alterations to any drainage pattern requires an Engineering Drainage Certificate, which will be the responsibility of the homeowner.

DRAINS

- Area and planter drains must be installed for adequate drainage to permit the plants to survive and minimize the ponding of water. There shall be no interference with the established drainage patterns over any Residential Site, or common area, without approval by the DRC. The landscape irrigation system should be designed to prevent excessive saturation of soils. Planters created by walkways next to a Residential Site should connect to a collector line which positively drains to the street.

EXTERIOR LIGHTING

- Exterior lighting must be of low illumination level. Dark sky lighting principles should be utilized. Exterior solar low illumination lighting is pre-approved and does not need DRC approval. All other exterior lighting must have DRC approval.
- The dark sky principle is a way of using lighting (or the lack of lighting) to eliminate pockets of dark and light. Contrasting pockets of dark and light causes users' eyes to adjust more slowly as they pass in and out of these areas. The goal of dark sky lighting is to see the thing being lit (the house/porch) and not the light itself. The human eye automatically focuses on the brightest light source in range and adjusts to that accordingly. When you eliminate glare and create an environment with relatively even light levels, the human eye can see very clearly in much less light than you would imagine.

EXTERIOR MECHANICAL EQUIPMENT

- No exterior mechanical equipment may be erected on any residential site without approval of the DRC. Ground level and window air conditioning units. Including swamp coolers, must be installed at street level only. These must be located in the side/rear yard and must be screened from adjacent properties.

EXTERIOR PAINTING

- The Residential Site home exterior may be repainted without DRC approval so long as it is painted to match the existing approved paint colors of the home. Any change that deviates from the approved color of the home must receive written approval of the DRC.

EXTERIOR SHUTTERS

- DRC approval is not required as long as the new shutters match existing shutters, as installed by the Builder, in style and color.

EXTERIOR STAIRS

- The location, material, and color of the new exterior stairs shall be compatible with the existing home. Stair supports must be designed as integral parts of the house. Prefabricated metal stairs may be permitted if they are compatible with the architecture of the home. The addition of any exterior stair system must have DRC approval.

FENCES

- Fences must be located within or on the property lines and maintained by the homeowner.
- Fences of chain link, poultry wire, aluminum, sheet metal, plastic, fiberglass, reeds, straw, bamboo, rope and other similar temporary or commercial materials are not permitted.
- Privacy fencing shall be cedar per Appendix detail.
- No double fences shall be allowed along the same property line.
- Community perimeter fencing bordering District Property shall not be replaced with any other type of fencing other than what was installed by the Builder or District.
- Fences adjacent to sidewalks are required to be at least 18 inches from the edge of the walk.

See Appendix for additional detail on fencing types.

FLAG POLES

- The installation of flags and flag poles shall be submitted to DRC review and approval.

GARDEN ART – FRONT YARD

- Must be submitted to the DRC for approval if the front yard garden art exceeds 2' in height. Photo required for submittal.

GARDEN WINDOW

- Must be submitted to the DRC for review and approval. This is considered an architectural improvement.

GROUND & GARDEN LEVEL DECKS

- Must be submitted to the DRC for review and approval.

HEIGHTS – MAXIMUM

- The maximum building heights of all improvements shall be consistent with Town regulations.

HOLIDAY LIGHTING

- Placement and display of winter holiday lighting is permitted without DRC approval from October 15th through January 31st, only. Holiday lighting must be removed by January 31st. All other lighting associated with other holidays must be removed within 2 weeks of the holiday (i.e., Halloween)

IRRIGATION

The owner shall install, operate, and maintain an automatic irrigation system for all landscaped areas of the lot requiring water, including turf and shrub bed areas.

LAMP POSTS

- Must be submitted to the DRC for review and approval.

PATIOS

- Patios and paving materials must be compatible and harmonious with the structure and surrounding neighborhood and must be an integral part of the landscape design. Materials and colors shall be compatible with those of the house structure.

PET ENCLOSURES

- Pet enclosures (i.e., dog runs) must be submitted to the DRC for review for all Residential Sites. Standard type dog houses are allowed and do not need DRC approval as long as they do not exceed 4' in height and are screened from adjacent homes and the street.
- Pet Enclosures should not be any higher than adjacent fencing. Four feet when adjacent to open rail fencing, or six feet when adjacent to interior or perimeter fencing.
- Chain link enclosures are not allowed.
- Wire mesh may be attached to existing open rail fencing to enclose small pets using the following criteria:
 - Wire fencing shall not exceed the height of the top horizontal rail of open rail fencing. Wire fencing may extend below the bottom horizontal rail to ground level or shall terminate at the bottom of the bottom horizontal rail of open rail fencing.

- Wire fencing shall be attached to the open rail fencing rails using secure fasteners located no more than 12" on center and fasteners shall be of a material coated to prevent rust and staining of vinyl.
- Wire fencing shall be installed on the homeowner yard side of the open rail fencing.
- The wire fencing type should be 14 Gauge Galvanized Welded Wire Fence with 2" x 4" openings available through many manufacturers.

PLAY EQUIPMENT

- No permanent playground equipment, trampolines or trampoline fences, or similar sport equipment shall be installed in the front yard of a Residential Site. Permanent playground equipment, trampolines or trampoline fences or similar sport equipment may be installed in the rear or side yard of a Residential Site without DRC approval if they are at least 5' from any property line and do not make use of neon color tones. Playground equipment may not exceed 9' in height.

POOLS AND SPAS

- Above-ground pools are not allowed.
- Spas and similar water features such as hot tubs are permitted in rear yards (or side yards if they are wide enough) without DRC approval if they are at least 5' from any fencing, are toned in color to compliment the exterior of the home or are screened with landscaping. A spa or other similar water feature must not damage existing walls or fences. All equipment shall be completely screened from view from publicly visible areas, and all reasonable efforts to minimize noise must be undertaken by the Homeowner.
- Swimming pools must be submitted to the DRC for review and approval.
- Privacy structures and fencing for pools and spas require DRC approval for all Residential Sites. Privacy structures and fencing should complement the exterior style and color of the home and/or existing fencing.

RAMPS- HANDICAP

- Ramps may potentially encroach into setbacks. The design and placement shall be reviewed by the DRC and the Town to ensure that the ramp has minimal visual impact on abutting properties.
- The width of the ramp shall not exceed 48 inches.

SATELLITE DISHES/ANTENNAE

- All satellite dishes, MMDS – An antenna designed to receive (wireless cable) programming services via multichannel, multipoint distribution services; and DBS – A antenna designed to receive direct broadcast satellite service antenna must be one (1) meter (39") in diameter or less are permitted and do not require DRC approval.
- Antenna larger than one (1) meter (39"), except TVBS – An antenna designed to receive over-the-air television broadcast signals are generally prohibited and must be submitted to the DRC to be reviewed on a case-by-case basis.

SCREEN/STORM DOORS

- Screen doors on the front door entrances shall be a neutral color or painted to match the color of the home and the style must conform to the architectural character of the home. Screen doors do not need DRC approval if this criteria is met.

SOLAR ENERGY SYSTEMS

- Each Homeowner may install a solar energy system which serves his/her Residential Site so long as (a) the design and location of the solar energy system meets the requirements of all.

applicable governmental ordinance and (b) said design and location receive the prior written approval of the DRC.

- o Energy systems must be integrated into the roof design, to respond to the roof slope, and designed to minimize the profile of the collector.
- o Frames must be colored to compliment the roof.
- o Natural aluminum frames are prohibited.
- o Support for solar equipment shall be located in a manner which minimizes visual and noise impact.

ACCESSORY STRUCTURES

- Accessory structures, such as storage sheds, gazebos, playhouses, and greenhouses must be located in the rear or side yard and may not be located adjacent to a street or common area. The following criteria apply:
 - o Cannot exceed 80 square feet in size and 8 feet in height.
 - o Be constructed as a permanent Improvement on a concrete foundation.
 - o Match the same color as the home or be complimentary in nature.
 - o Plant material must be used to soften the look of the structure, be planted within 30 days, and continuously maintained thereafter.

TRASH/RECYCLE CANS

- Must be stored in the garage or screened from view of street, common areas and adjacent neighboring properties, behind the fence. Trash and Recycle cans are permitted to be on the street the day before and the day of pickup. All cans must be removed on the day of pickup and stored as designated above.

UNSIGHTLY ITEMS

- All construction materials and fencing, weeds, rubbish, debris, or unsightly materials or objects of any kind shall be regularly removed from the Residential Sites and shall not be allowed to accumulate thereon. All clotheslines, trash containers, wood piles, storage areas, machinery, and equipment shall be prohibited upon any Residential Site unless obscured from view of adjoining streets, Residential Sites, sidewalks, homes, or District Property.

WALLS

- All walls require DRC approval.
- Decorative or utility walls (retaining, seat, etcetera) shall be located at least 3' – 5' from the property line to allow for a landscape buffer.
- Walls shall be no more than 30" high.
- Walls shall be no more than 30' in length.
- Wall materials (stone, brick, stucco, and split face block, etcetera) should be selected to match the exterior color palette of the home and color image samples must be submitted for approval.

WINDOW AWNINGS

- Awnings must be submitted to the DRC for approval. Awnings must be compatible with the color and design of the existing home. They must be simple in design and color. The size, location, and form must be in scale with the window. Awnings must be properly maintained to the satisfaction of the DRC and may not be kept when frayed, spilt, torn, or faded. Temporary sunshades attached to the outer wall of the house, patio cover, or gazebo such as rolls of bamboo, fiberglass or reed are not permitted.

WINDOW COVERINGS

- Only curtains, drapes, shutters, or blinds may be installed as permanent window covers. No aluminum foil, paint, bedroom sheets, newspaper or similar coverings deemed to be inappropriate for a window covering shall be applied to the windows or doors of any home. Homeowners may use temporary paper shades to cover windows after the close pending the installation of drapes, curtains, shutters, or other appropriate interior window coverings for 60 days after closing. Window coverings do not need DRC approval.

Conditions not defined: Any condition or material not defined within these Design Standards shall become a matter of judgment on the part of the DRC.

Community Standards

TENANT GUIDELINES

- The Homeowner shall have the responsibility to acquaint their tenants and guests with the District governing Master Declaration.
- For the purpose of these Design Standards, a tenant shall be defined as anyone in possession of all or part of a Homeowner's home in exchange for any sort of consideration.
- The Homeowner will, at all times, be responsible for his or her tenant's compliance with all the provisions of the District governing documents. Penalties and other actions to correct violations will be assessed against the Homeowner even though the violation was committed by tenant.
- The Homeowner is solely responsible for payment of assessments.
- Disturbances and disorderly conduct by tenants can result in a fine or legal action against the Homeowner. Preserving the community and maintaining harmony among homeowners is the ultimate goals of the District. If a tenant is violating these goals, the Homeowner is required to take the necessary measures to correct the situation.

VEHICLE REPAIR

- No Homeowner shall conduct major repairs to any vehicle upon their Residential Site unless performed in a closed garage.

SIGN STANDARDS

The DRC has determined the following regarding "Open House" and "Garage Sale" signage on District Property.

Only one (1) sign (in total) per corner on major streets (a major street is defined as any street outside of the development). At a four-way intersection, there are four corners where only four (4) signs may be placed.

- Signs may not remain on District Property overnight.
- No riders or flags are permitted.
- Signs not complying with the Design Standards may be summarily removed by District.

The following criterion applies to "Open House" signs.

- Owners (or their agents) wishing to advertise "Open House" for the purpose of selling their homes, must use a standard sign with restrictions on type, location, and quantity.
- Signs are to be no larger than 3' x 4'.

The following criteria applies to "Garage Sale" signs:

- Homes wishing to advertise "Garage Sale" for purposes of selling their goods must use a standard sign with restrictions on type, location, and quantity.
- Signs are to be no larger than 3' x 4'.