

# FOX CREEK FARM MASTER ASSOCIATION, INC. DESIGN CRITERIA GUIDELINES AND STANDARDS

## I. INTRODUCTION

A. DEFINITIONS - The following words, when used in these Regulations, shall have the meaning hereinafter specified:

1. "Association" means Fox Creek Farm Master Association, Inc., a unit owners' association organized under section 38-33.3-301 of the Act.
2. "Board" means the Board of Directors of the Association.
3. "Committee" or "Architectural Committee" means the committee appointed by the Declarant or by the Association to review and approve or disapprove requests for architectural approval, as more fully provided in the Declaration.
4. "Common Elements" means any real estate owned or leased by the Association other than a Unit.
5. "Community" means the real estate described on Exhibit A attached to the Declaration, as supplemented and amended from time to time, with respect to which a person, by virtue of such person's ownership of a Unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in this Declaration.
6. "Declarant" means Melody Homes, Inc., a Delaware corporation, and any other person or group of persons acting in concert, to whom the Declarant, by recorded document, expressly assigns one or more of the Declarant's rights under the Declaration (which shall be the extent of the Declarant's rights to which such assignee succeeds), and who:
  - a) As part of a common promotional plan, offers to dispose of to a purchaser such Declarant's interest in a Unit (as defined in the Declaration) not previously disposed of to a purchaser; or
  - b) Reserves or succeeds to any Special Declarant Right (as defined in the Declaration).
7. "Declaration" means the Master Declaration of Covenants and Restrictions of Fox Creek Farm recorded on December 10, 1996 at Reception No. 01663216 with the Boulder County Clerk and Recorder.
8. "Design Guidelines" means these Design Criteria Guidelines and Standards, as such may be amended from time to time by the Board.

9. "Improvements" means all exterior improvements, structures, and any appurtenances thereto or components thereof, of every type or kind, and all landscaping features, including, but not limited to, buildings, outbuildings, swimming pools, tennis courts, patios, patio covers, awnings, solar collectors, painting or other finish materials on any visible structure, additions, walkways, sprinkler systems, garages, driveways, fences, screening walls, retaining walls, basketball hoops, stairs, decks, hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, exterior light fixtures, poles, signs, exterior tanks, and exterior air conditioning, cooling, heating and water softening equipment.
10. "Unit" means a residence that has been built, or is to be built, on property that is in the Community.
11. "Parcel" means any separate lot, plot of land, or parcel of land, which is contained in the Community, and on which a Unit is located or is planned to be constructed or located (or on which more than one Unit may be located in the case of property which contains or is planned to contain condominiums, cooperatives or apartments).
12. "Proposed Improvement" means any Improvement which has not yet been constructed, installed or erected, and includes demolition or removal of any building or other structure, and also includes any change of the exterior appearance of a building or other Existing Improvement.
13. "Owner" means the Declarant, a builder, or other person who owns a Unit, but does not include a person having an interest in a Unit solely as security for an obligation. The Declarant is the owner of each Unit provided for in the Declaration until that Unit is conveyed to another person who may or may not be a Declarant.

B. DESIGN GUIDELINES FOR THE ARCHITECTURAL COMMITTEE - The Declaration requires prior approval by the Committee or its designated representative before any Proposed Improvement is constructed, erected, placed, or altered. These Design Guidelines establish certain acceptable designs for different types of Proposed Improvements. These Design Guidelines apply to residential property in the Community, and are intended to assist the Owners. Prior to installation or commencement of construction, all Proposed Improvements must be submitted to the Committee for review and approval.

C. CONTENT OF DESIGN GUIDELINES - In addition to the introductory material, these Design Guidelines contain:

1. a list of specific types of Proposed Improvements which Owners might wish to make, with specific information as to each of these types of Proposed Improvements;
2. a summary of procedures for obtaining approval from the Committee; and
3. figures showing approved designs for fences.

D. EFFECT OF THE DECLARATION - Each Owner shall receive and should become familiar with the Declaration. Nothing in these Design Guidelines shall supersede or alter the provisions or requirements of the Declaration.

- E. EFFECT OF GOVERNMENTAL AND OTHER REGULATIONS - Use of any property in the Community and any Improvements must comply with applicable building codes and other governmental requirements and regulations. All approvals are conditioned on the owner receiving applicable permits and complying with governmental regulations. Obtaining such permits or governmental authorization is not a substitute for obtaining committee approval. For information about the City of Longmont's requirements, Owners should write or call the City of Longmont's Building Department.
  
- F. INTERFERENCE WITH UTILITIES - In making Proposed Improvements, Owners are responsible for locating all water, sewer, gas, electric, telephone, cable television, irrigation lines, or other utility lines and easements. Owners should not make any Proposed Improvements over such easements without the consent of the utility involved, and Owners will be responsible for any damage to utility lines. Underground utility lines and easements can usually be located by contacting the Utility Notification Center of Colorado at 1-800-922-1987.
  
- G. GOAL OF DESIGN GUIDELINES - Compliance with these Design Guidelines and the provisions of the Declaration will help preserve the inherent architectural and aesthetic quality of the Community. It is important that the Proposed Improvements be made in harmony with, and not detrimental to, the rest of the Community. A spirit of cooperation with the Committee and neighbors will go far in creating an optimum environment which will benefit the Owners. By following these Design Guidelines and obtaining approvals for Proposed Improvements from the Committee, Owners will be protecting their financial investment and will help to promote Proposed Improvements that are compatible with the other Units and property within the Community.
  
- H. INTERPRETATION OF THE DESIGN GUIDE LINES - The Committee shall interpret these Design Guidelines.
  
- I. ENFORCEMENT OF DECLARATION AND DESIGN GUIDELINES - The Committee shall have primary responsibility for the enforcement of the architectural requirements of the Declaration and these Design Guidelines. The Committee will investigate written complaints of Owners for violations of the architectural requirements of the Declaration or these Design Guidelines if such complaints are dated and signed by the Owner. The Committee shall be allowed access to the property of the Owner filing the complaint for purposes of verification of the complaint. If a violation is found, the Committee shall notify the Owner whose property is in violation, in writing, requesting that appropriate action be taken to achieve compliance. If such Owner does not bring his property into compliance with the Declaration and Design Guidelines within thirty (30) days, or the time specified by the notice, the Committee will request that the violation be referred to the Board for enforcement action, which may include the Board fining the Owner for such non-compliance.
  
- J. ADVISING OF NEIGHBORS - It is suggested that Owners advise neighbors prior to submitting forms for Proposed Improvements. For each architectural request that has an external impact, the committee will seek adjacent Unit owner input. The adjacent Unit owner will have 10 days to comment.

## II. SPECIFIC TYPES OF IMPROVEMENTS - DESIGN GUIDELINES

### A. GENERAL

1. The following alphabetical list covers a wide variety of specific types of Proposed Improvements which Owners and builders typically consider installing. Pertinent information is given as to each. Unless otherwise specifically stated, drawings or plans for a Proposed Improvement shall be submitted to the Committee, and the written approval of the Committee shall be obtained before the Proposed Improvement is made. Drawings or plans shall include dimensions, setbacks, roof slopes, types of materials and both elevation and plan views of all proposed expansions or additions. Applications for paint change must be accompanied by samples or chips of the colors to be approved, along with a written description of color schemes of adjacent Units. Drawings, plans and other color samples will be retained in Association files for future reference. If desired by the Committee, the Committee may submit the request to the Board for its separate review and response. In some cases, where specifically stated, a type of Proposed Improvement is prohibited. Proposed Improvements which are not listed will require Committee approval.
2. The architectural style of a proposed Unit shall be consistent with the style and character of the other residences built in the same general area of the Community. Such consistency shall be determined by the Committee in its sole discretion.
3. Unit owners must use the "Architectural Control Improvement Request Form" when submitting a request.

- B. ADDITIONS AND EXPANSIONS - Additions or expansions to the Unit will require submission of detailed plans and specifications, including description of materials to be used, and plan and elevation drawings showing dimensions, setbacks, roof slopes, etc. Additions and expansions must be of the same architectural style and color as that of the Unit. All work is subject to obtaining required permits from the City of Longmont.
- C. ADDRESS NUMBERS - Committee approval is required to relocate the address numbers to a position different from that originally installed by the builder.
- D. ADVERTISING - See Signs.
- E. AIR CONDITIONING EQUIPMENT - Committee approval is required. Air conditioning equipment, including swamp coolers, must be ground-mounted and installed in the rear or side yard; it should not be visible from the street right-of-way. It should be installed in such a way that any noise to adjacent Unit is minimized. Installation of air conditioning equipment, including swamp Coolers, on the roof of the Unit or in a window of the Unit will not be permitted.

F. ANIMALS - Except as provided in Article IX, Section 5 of the Declaration and this paragraph, no animals, livestock or poultry of any kind shall be raised, bred or kept on any property in the Community or in any Unit. Not more than three (3) dogs, cats or other household pets in the aggregate constitutes a "reasonable number" which may be kept in any Unit, but only if such household pets are not raised, bred, kept or maintained for any commercial purpose. No horses shall be kept in the Community. Dogs, cats or other household pets owned by Owners or their guests shall not be permitted to run at large, but shall be kept under the control of such Owner by leash, cord or chain. The Owner of any dog, cat or other household pet shall immediately remove excrement deposited by said animal upon any property in the Community.

G. ANTENNAS - Reference Article IX, Section 7(d) of the Declaration With the inception of the Telecommunications Act of 1996, the Federal Communications Commission adopted rules which prohibit restrictions that impair the installation, maintenance or use of antennas used to receive video programming. These antennas include direct broadcast satellites (DBS) less than one meter in diameter, multi-channel multi-point distribution (wireless cable) providers (MMDS), and television broadcast stations (TVBS). Consequently, Committee approval is not required provided installation meets the following safety guidelines:

- Installation and maintenance meets all applicable fire codes - the antenna does not block fire escape routes.
- Must be a certain distance from power lines. Check city codes.
- Must meet electrical code requirements to properly ground the antenna.
- The antenna must be firmly secured to the Unit.

The Committee does require that antennas/dishes be mounted on the sides or rear of the Unit. The antenna or dish should only be mounted on the front of the Unit if an adequate signal cannot be obtained from the side or rear of the Unit. Provided that such locations do not preclude reception of adequate signal or would unreasonably increase the cost of installation, maintenance or use.

H. ASTRO-TURF - Neither Astro-turf nor any other floor covering shall be used on the front porch or any balcony.

I. AWNINGS - See Overhangs.

J. BALCONIES - See Decks.

K. BASKETBALL BACKBOARDS - Committee approval is required for permanent backboards. If garage or pole mounted, the backboard and support structure should be clear or painted the same color as the house, unless otherwise approved by the Committee. Garage mounted backboards in the front yard may not project more than two feet (2') from the front of the garage. Pole-mounted basketball backboards must have a black or galvanized removable steel pole and must be installed midway between the front of the house and the sidewalk. Rims and nets on all types of basketball units must be maintained in a neat and clean appearance. Backyard concrete pads for basketball courts may not exceed seventeen feet (17') in any direction. Temporary basketball backboards also are acceptable but must be placed in such a manner that they do not block sidewalks and pedestrian walkways and are not placed in streets.

- L. BOATS - See Motor Home Vehicles.
- M. BUG ZAPPERS - Approved subject to compliance with the following from Article IX, Section 11 of the Declaration.  
No Annoying Light, Sounds or Odors - No light shall be emitted from any Unit which is unreasonably bright or causes unreasonable glare; no sound shall be emitted from any Unit which is unreasonably loud or annoying; and no odor shall be permitted from any Unit which is noxious or offensive to others.
- N. BUILDING HEIGHT - Required to comply with applicable building codes and zoning regulations established by the City of Longmont.
- O. CABLE TV ANTENNAS - See Antennas.
- P. CAMPERS - See Motor Home Vehicles.
- Q. CARPORT - Not permitted.
- R. CIRCULAR DRIVES - See Driveways.
- S. CLOTHESLINES AND HANGERS - Committee approval required for permanent clotheslines. Approval not required for retractable clotheslines. Retractable clotheslines must remain in the retracted position when not in use. Clotheslines must be installed in the rear yard. Clothes cannot be stored on the clothesline.
- T. CLOTH OR CANVAS OVERHANGS - See Overhangs.
- U. COLOR - See Painting.
- V. CORNER VISIBILITY - Compliance with the City of Longmont's intersection sight distance criteria required.
- W. DECKS - Committee approval is required. Decks must be constructed of wood or other material matching the material of the Unit and, if painted, must match the color scheme of the Unit, unless otherwise approved by the Committee. Decks must be installed as an integral part of the Unit and patio area. Construction of decks over easement areas is not permitted and applicable building permits are required. Dimensions and location must be submitted on drawings.
- X. DOG RUNS - Committee approval is required. Dog runs must be constructed with fencing of the same design as approved in Article IX, Section 7(e) of the Declaration or as otherwise approved by the Committee. Dog runs must be located in the rear or side yard, abutting the Unit and substantially screened from view. Dog runs are limited in size to 575 square feet, cannot be higher than the Parcel boundary fence, and in no case can be more than five feet (5') high. Wood screening or mature landscape screening is required to hide a substantial view of the dog run. Dog runs must have double fence when next to any Association owned fence and may not use any Association owned fence as part of the dog run fence. In some cases, if required by the Committee, written consent from adjacent neighbors may be requested. No wire mesh or other fencing material will be allowed. Chain link will be allowed on the interior fence portions only. Lot boundary fences that are to be used for part of a dog run must be five foot or six foot (5' or 6') cedar to match existing fence installed by builder (i.e., 1 X 4 dog eared cedar). Dog runs must be screened from street and ground level of adjacent property owners.

- Y. DOORS - Committee approval is required for the addition or replacement of storm or other type doors to a Unit. The material should match existing colors of the Unit unless otherwise approved by the Committee. Security doors or security window bars require Committee approval. The approved existing colors for security doors or security window bars will be white, black and the colors of the approved Unit colors.
- Z. DRAINAGE - See Article IX, Section 18 of the Declaration.
- AA. DRIVEWAYS - All driveways leading from the street to an Owner's Unit or Parcel are to be constructed of permanent, properly formed, hard-surfaced paving (i.e., concrete with a four inch (4") minimum thickness). Modifications to the original or existing driveway require Committee approval. Extensions to existing driveways may not be more than three feet (3') in width on either side, and must match the existing driveway. Asphalt extensions are not acceptable.
- AB. EVAPORATIVE COOLERS - See Air Conditioning Equipment.
- AC. EXTERIOR LIGHTING - See Lights and Lighting.
- AD. FENCES
1. General - Fences and/or walls/brick columns/entrance monuments (individually and collectively "Fences") constructed by the original developer and/or builder along or abutting Parcel lines, arterial streets, collector streets or local streets may not be removed, replaced, stained or painted a different color or altered, including adding a gate, without approval of the Committee. If any such Fences constructed by the original developer and/or builder which are located upon an Owner's Parcel are damaged or destroyed by owner or Owner's agents, guests, or tenants, the Owner shall repair and recondition the same at the Owner's expense.
  2. Drainage - It is important to remember that certain drainage patterns may exist along or under proposed Fence locations. When constructing a Fence, be sure to provide for a space between the bottom of the Fence and the ground elevation so as not to block these drainage patterns.

3. Design - Fences may not be constructed without Committee approval. The recommended construction shall be in accordance with the specifications shown on Figure 1 attached to these Design Guidelines and compatible with neighbors' existing Fences. Parcel boundary Fences can be either five or six feet high. Such Parcel boundary Fences may be solid wood, with either a five foot (5') or six foot (6') high cedar material. Transitions between a five foot (5') Fence and Fences of different heights must be built as shown in Figure 1. As to Parcels with a slope rising away from the Unit, the Committee will consider approval of the five foot (5') Fence at the toe of the slope rather than on the Parcel line at the top of the slope. In this case, a landscaping and maintenance plan for the slope area may be required by the Committee. All of the above-mentioned Fences must be constructed of rough-sawn cedar material. All Fences must adhere to any sight triangle regulations of the City of Longmont.
  - a) Fences or Screening Located Within Parcel Line - Must be an integral part of the landscape design.
  - b) Double Fences - Not permitted, except see Dog Run. Double Fences are not the same as double facing. Check with the Committee.
  - c) Solid Fences - Must be constructed with the 2x4 framing, and 4x4 posts on the constructing Owner's Parcel (i.e., the smooth side of the wood slats on the front elevation of the Fence in Figure 1 must face away from the Owner's Unit). Alternating panels (smooth side in, then smooth side out) of no more than eight feet (8') in width are allowed only between adjacent Parcels. Side yard Fences (i.e., a return fence) may not extend past the front corner of the Unit.
  - d) Cluster Mail Boxes - Fences bordering cluster mail boxes must allow 3 1/2' to 4' clearance behind the cluster box to allow for mail delivery.
4. No plastic or metal chicken wire, hog wire, barbed wire, chain links, or strand wire will be allowed. All property line Fence height differentials must be treated with a transition Fence similar in design to that shown on Figure 1.
5. Fences shall not be constructed within right-of-way areas or side Parcel easements and, therefore, must be set back from the sidewalk the distances established in the City of Longmont's requirements.
6. Maintenance Responsibility - Deteriorated materials must be replaced by the Owner with materials identical to the original in quantity, quality and design.



- AE. FIREWOOD STORAGE - See Wood Storage.
- AF. FLAGPOLES - Committee approval is required.
- AG. GARBAGE CONTAINERS AND STORAGE AREAS - See Trash Containers.
- AH. GRADING AND GRA 3E CHANGES - See Drainage.
- AI. GREENHOUSE WINDOWS - Committee approval is required.
- AJ. HANGING OF CLOTHES - See Clotheslines and Hangers.
- AK. HOT TUBS - Committee approval is required. Must be ground mounted and an integral part of the deck or patio area and of the rearyard landscaping. Must be in the rear yard.
- AL. HOLIDAY DECORATIONS - All seasonal decorations must be removed within thirty (30) days following that particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion.
- AM. UNIT NUMBERS - See Address Numbers.
- AN. IRRIGATION SYSTEMS -Underground manual or automatic irrigation systems will not require approval of the Committee. Such systems must meet the City of Longmont's building codes, if applicable.
- AO. JACUZZI - See Hot Tubs.
- AP. JUNK VEHICLES - See Motor Home Vehicles.
- AQ. LANDSCAPE AND MAINTENANCE - Committee approval required.
1. Landscaping shall follow all requirements of the City of Longmont.
  2. Landscaping must not alter the original drainage of your property or adjacent neighbor's property. In no circumstances shall your materials block your neighbor's access to their property.
  3. Gravel, rock and/or soil piles may be stored in the front or on visible side yards of Parcels, in the street, or on the driveway while performing landscape maintenance or modifications for a period not to exceed thirty (30) days, whichever is shorter. Leaving gravel, rock and/or soil piles in the street is not suggested. Contact the City of Longmont for more specific information.
  4. Delivery and placement of landscape materials shall not damage greenbelt or entry/median areas. Delivery trucks are not allowed to cross these areas (to avoid sprinkler and landscape damage). If this regulation is violated and damage to the Common Elements results, the Owner will be held financially responsible for repairing the damage caused by the Owner or the Owner's agent, guests or tenants. Removal of fence material belonging to the Association requires written approval. If fences owned by the Association are removed, then the Unit owner will be held financially responsible for repairing any resulting damage or weakness to the fence. Unit owners shall be financially responsible for repairing any damage to any common element caused by delivery or installation of landscaping material. Written permission must be obtained prior to removing sections of the Association's fence.

5. Architectural Approval Forms are required and shall be submitted for the following:
- All rock or gravel areas.
  - All front, side and rear yard improvements.
  - All excavations or additions of earth. Top-dressing (adding 1/2 inch of material) soil or lawns does not require submission of an approval form.
  - All hard structures (e.g. fences, sheds, patios, walkways, etc.) See the Guidelines for specific requirements for these items.
  - Any variances from the requirements for plants. Include written acceptance from neighbor regarding variance.
  - Ponds and water gardens.

Trees

- Trees shall be placed no closer than 1/2 the mature spread (width) of the tree to the property boundary, fence or house.
- Dead trees must be removed promptly.
- Diseased limbs or trees shall be treated promptly. Removed vegetation or limbs shall be disposed of quickly to avoid spreading disease.
- A variance shall be granted provided your neighbor is notified your tree will grow onto his property and they accept that condition. Provide neighbor's name, address and phone number for verification.

Shrubs and bushes

- Shall not grow over the property boundary onto your neighbor's property.
- Shall be trimmed appropriately for the type of shrub so as to maintain a neat appearance.
- Shall be removed promptly if dead.
- A variance shall be granted provided your neighbor is notified your tree will grow onto his property and he accepts that condition. Provide neighbor's name, address and phone number for verification.

Small Perennials and Annuals

- Must be contained in their planted areas.
- Planting beds must be weeded and plants groomed regularly.
- Self-sowing plants are permitted, but when the seeds are dispersed, the plants must be groomed.

Vines, Groundcovers, and Climbers

- Must be contained in their planted areas.
- Are permitted on fences with the agreement of any adjacent neighbor. Submit a request with the neighbor's name, address, and phone number. You must accept financial responsibility for any damage resulting from the vine.
- Homeowners whose back fence is owned by the Association must receive written permission to grow vines on the fence, and must accept financial responsibility for damage to the fence.

Vegetable Gardens

- Must be regularly weeded. Plant debris must be picked up to discourage pests.
- Must be located in the rear yard.

6. Sources of Information - "The Rocky Mountain Perennial Plant Guide" and "The Rocky Mountain Plant Guide" are published by the Colorado Nursery Association. They are sold at area garden centers. The Boulder County Extension Office is located at the Boulder County Fairgrounds. They provide Master Gardeners and pamphlets and free advice on all aspects of gardening in the Front Range. The Longmont Design Standards and Construction Specifications can also provide important information.

- AR. LIGHTS AND LIGHTING - Committee approval is not required for exterior lighting which is in accordance with the following regulations: Exterior lights must be of the same style and character as those installed by builder on other Units or Parcels, and be as small in size as is reasonably practicable. Exterior lighting should be directed towards the Unit and must be of low wattage to minimize glare sources to neighbors and other Owners. Any variance from these Design Guidelines or use of high wattage spotlights or flood lights requires Committee approval. See Article IX, Section 7(g) of the Declaration for more information.
- AS. LIVESTOCK - See Animals.
- AT. MICROWAVE DISHES - See Antennas.
- AU. MINING AND DRILLING - Not permitted.
- AV. MOTOR HOME VEHICLES - Not permitted to be located or parked permanently within the Community, as set forth in Article IX, Section 8 of the Declaration. No house trailer, camping trailer, boat trailer, hauling trailer, boat, or accessories thereto, truck (larger than 3/4 ton), self-contained motorized recreational vehicle, or other type of recreational vehicle or equipment, may be parked or stored in the Community unless such parking or storage is within the garage area of any Unit, or is behind a fence on the Unit and the vehicle or equipment cannot be seen over such fence. The Association does not permit enclosed structures other than garages for this type of storage. These vehicles must be moved from the general area within 72 hours. This 72 hour period is allowed for loading or unloading before and after trips.
- AW. MOTORIZED VEHICLES - Motorized vehicles are not to be driven on greenbelts or Common Elements. This includes snowmobiles, golf carts, motorcycles, minibikes, go-carts, mopeds and delivery trucks, but excludes lawn cutting, snow removal or maintenance equipment.
- AX. OVERHANGS - CLOTH OR CANVAS - Committee approval is required. The color must be the same as the exterior of the Unit, unless otherwise approved by the Committee. Retractable cloth or canvas awnings are permitted. Metal or fiberglass awnings are not permitted.

AY. PAINTING - Committee approval is not required if color and color combinations are identical to the original color painted by builder. Color and/or color combination changes require Committee approval.

1. Whenever exterior painting is to be done, all changes must be approved by the Committee prior to commencement of such painting. All exterior colors must be reviewed for approval by the Committee, including repainting of Existing Improvements. The Committee will assess the overall color composition formed by the individual materials.
2. It is recommended to paint a 2' x 2' section of the requested colors on your house for the committee to view.
3. All roof vent caps, louvers, plumbing stacks, chimney flashing, valley flashing, etc., are to be painted a color not in contrast with the color of the roofing.
4. It is recommended that all Units be painted on a regular schedule to avoid fading, chipping and peeling.
5. Any changes to paint schemes must be different from neighboring Units. Submittals without a description of neighbors' paint colors will not be approved by the Committee. Failure by the Committee to so inform the Owner requesting such approval shall not be deemed an approval under Article V, Section 4 of the Declaration.
6. Garage doors are to be the same color as the siding or trim of the Unit, unless otherwise requested and approved by the Committee. Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.
7. Most Units have multiple tone paint schemes (e.g., siding color, trim color and accent color for shutters and doors). New colors submitted should, but are not required to, preserve this multiple tone scheme. For example, if the trim was a different color than the doors and shutters originally, it should also be different in the submitted colors.
8. Trim should be painted with either a neutral color (white, grey, sand, beige) or a lighter tint or darker shade of the body color.
9. Color selections should be submitted to the Committee in the form of four sets of manufacturer's paint chips. Please indicate which color chips are for trim, siding and accent (doors and shutters) color. PLEASE PLAN TO SUBMIT REQUESTS IN ADVANCE OF PAINTING DUE TO THE FORTY FIVE (45) DAY REVIEW TIME FRAME ALLOWED FOR UNDER THE DECLARATION AND THESE DESIGN GUIDELINES.
10. In general, after approval, only those areas that are painted may be repainted; only those areas stained may be re-stained; unpainted surfaces and unstained areas (such as brick) shall remain unpainted and unstained.

- AZ. PATIO COVERS - Committee approval is required. Plans must show the exterior elevation, designate materials and colors, and include dimensions. Applicable building permits must be obtained from the City of Longmont.
- BA. PATIOS - ENCLOSED - See Additions and Expansions.
- BB. PATIOS - OPEN - Committee approval is required.
- BC. PAVING - Committee approval is required for front yard changes, regardless of whether for walks, driveways, patio areas or other purposes.
- BD. PETS - See Animals.
- BE. PIPES - See Utility Equipment.
- BF. PLAY AND SPORTS EQUIPMENT - Committee approval is required. Equipment shall be located in the rear or side yard. Size of play yards will be considered on a case-by-case basis depending on Parcel size and proximity to neighbors. The maximum height of the equipment should not exceed twelve feet (12'). In some cases written consent from adjacent neighbors may be requested.
- BG. POLES - See Flagpoles, Utility Equipment, Basketball Backboard, etc.
- BH. RADIO ANTENNAS - See Antennas.
- BI. ROOFS - Committee approval is required. Submit colors and type of materials to be used. Uniformity with existing Units in the Community is required.
- BJ. ROOFTOP EQUIPMENT - Not permitted, except as required by law or otherwise authorized in these Design Guidelines.
- BK. SAUNAS - See Additions and Expansions.
- BL. SETBACKS - All setbacks established by the City of Longmont's Building and Zoning Requirements, subject to Article IX, Section 13 of the Declaration, must be met.
- BM. SEWAGE DISPOSAL SYSTEMS - Not permitted.
- BN. SHEDS - Only permanent sheds are allowed. Committee approval is required. Owners should use the "Architectural Control Improvement Request Form" to request approval. Materials shall be the same materials as on the exterior of the Unit. Sheds shall be allowed only in rear yards and must be screened from view by a Fence. Sheds must be the same color as the exterior of the Unit, unless otherwise approved by the Committee. Sheds shall not be more than eight feet six inches (8'6") high at the peak, nor larger than 120 square feet. Siding, roofing, and trim materials must match those on the Unit. The Committee, in reviewing the application for shed approval, shall consider Parcel grading, Fence locations, landscape screenings, etc., in granting any approvals for a shed.
- BO. SHUTTERS - EXTERIOR - Committee approval is required. Exterior shutters must be the same materials and painted to match the color scheme of the exterior of the Unit, unless otherwise approved by the Committee.
- BP. SIDING - Committee approval is required. Siding must be essentially the same as the siding installed by the builder on other Units in the Community, and must be painted according to standards established in these Design Guidelines. See Painting. Aluminum or steel siding will not be permitted.

- BQ. SIGNS - The City of Longmont's Sign Code and Article IX, Section 7(a) of the Declaration control signs. Unless permitted in the Declaration, no sign of any kind shall be displayed to the public view on any part of a Parcel or Unit, except one professional sign per residence advertising a residence for sale or rent, and signs used by a builder to advertise residence for sale or rent during the construction and sale period. Signs shall not be more than five (5) square feet in size. Non-advertising security system signs will be allowed. Builder marketing signs are permitted. Garage sale signs shall be removed at the end of the last sale day. Political signs may be displayed up to forty five (45) days before an election and must be removed after seven (7) days from the election day.
- BR. SKYLIGHTS - Committee approval is required.
- BS. SOLAR PANELS - Committee approval is required.
- BT. SPAS - See Hot Tubs.
- BU. SPRINKLER SYSTEMS - See Irrigation Systems.
- BV. STORAGE SHEDS - See Sheds.
- BW. STORM DOORS - See Doors.
- BX. SUNSHADES - See Overhangs.
- BY. SWAMP COOLERS - See Air Conditioning Equipment.
- BZ. SWINGSETS - See Play and Sports Equipment.
- CA. TELEVISION ANTENNAS - See Antennas.
- CB. TEMPORARY STRUCTURES - See Article IX, Section 6 of the Declaration.
- CC. TEMPORARY VEHICLES - See Motor Home Vehicles.
- CD. TRAILERS - See Motor Home Vehicles.
- CE. TRASH CONTAINERS - No refuse, garbage, trash, lumber, grass, shrubs or tree clippings, plant waste, metal, bulk materials, scrap or debris of any kind shall be kept, stored, or allowed to accumulate on any Unit unless placed in a suitable container suitably located solely for the purpose of garbage pickup or composting. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. No garbage or trash cans or receptacles shall be maintained in an exposed or unsightly manner. Trash cans or receptacles may be placed at the curb up to twenty four (24) hours before pickup and must be removed within twenty four (24) hours after pickup.
- CF. TREE HOUSES - Not Permitted.
- CG. UNDERDRAINS - Modification or impeding the flow of drainage is prohibited.
- CH. UTILITY EQUIPMENT - Installation of utilities or utility equipment requires Committee approval unless located underground or within an enclosed structure. Pipes, wires, poles, utility meters and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.
- CI. VANES - Committee approval is required.

CJ. VEHICLES - (a) No house trailer, camping trailer, boat trailer, hauling trailer, boat, or accessories thereto, truck (larger than 3/4 ton), self-contained motorized recreational vehicle, or other type of recreational vehicle or equipment, may be parked or stored in the Community unless such parking or storage is within the garage area of any Unit, or is behind a fence on the Unit and the vehicle or equipment cannot be seen over such fence. This restriction, however, shall not restrict trucks or other commercial vehicles which are necessary for construction or for the maintenance, repair or replacement of any property in the Community, or any Improvements located thereon; nor shall such restriction prohibit vehicles that may be otherwise parked as a temporary expedient for loading, delivery or emergency, and in no event shall such temporary parking exceed seventy-two (72) hours.

(b) Except as hereinabove provided, no abandoned or inoperable automobiles or vehicles of any kind shall be stored or parked on any Unit. An "abandoned or inoperable vehicle" shall be defined as any automobile, truck, motorcycle, or other similar vehicle, which has not been driven under its own propulsion for a period of seventy-two (72) hours or longer, or which does not have an operable propulsion system installed therein or which is not then currently licensed and registered; provided, however, that otherwise permitted vehicles parked by Owners while on vacation for a maximum of two (2) weeks) or during a period of illness, shall not be deemed to be abandoned.

(c) In the event the Association shall determine that a vehicle is parked or stored in violation of subsections (a), (b) or (c) of this Section, then a written notice describing said vehicle shall be personally delivered to the owner thereof (if such owner can be reasonably ascertained) or shall be conspicuously placed upon the vehicle (if the owner thereof cannot be reasonably ascertained), and if the vehicle is not removed within a reasonable time thereafter, as determined by the Association in its discretion from time to time, the Association shall have the right to remove the vehicle at the sole expense of the owner thereof.

(d) No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicles, trailers or boats, may be performed or conducted in the Community unless it is done within completely enclosed structure(s) which screen the sight and sound of the activity from the street and from adjoining property. The foregoing restriction shall not be deemed to prevent washing and polishing of any motor vehicle, boat, trailer, motor-driven cycle, or other vehicle, together with those activities normally incident and necessary to such washing and polishing.

CK. VENTS - See Rooftop Equipment.

CL. WALLS - RETAINING - A single retaining wall shall not be more than thirty-six inches (36") in height (measured at the exposed side) without an engineering plan. Where required by the Committee, a detailed landscape plan, indicating the size and exposure of the retaining wall, shall be provided by the Owner at the time of plan review for approval. Owners are liable for their respective lot drainage. Retaining walls shall be constructed of brick, treated wood, natural stone, or similar materials, subject to approval by the Committee. Exposed concrete retaining walls are specifically forbidden.

CM. WELLS - Not Permitted.

CN. WIND TURBINES - Committee approval is required.

- CO. WINDOWS - Committee approval is required for all windows not of the same make or design as originally installed by the builder. Submission of plans and specifications to the Committee shall include a description of the window frame material and color. Mill finish on aluminum windows is specifically prohibited. Replacement windows shall be substantially the same as those initially installed.
- CP. WOOD STORAGE - Wood, wood piles or storage areas shall be so located on any Unit as to be visible from a street or from the ground level of any other Unit.
- CQ. XERISCAPE - Committee approval is required. See the Xeriscape policy of requirements.

### III. PROCEDURES FOR COMMITTEE APPROVAL

- A. GENERAL - In a few cases, as indicated in the listing in the preceding Section II, a specific type of Proposed Improvement is not permitted under any circumstances. In all other cases, including Proposed Improvements not included in the listing in Section II, advance or prior written approval by the Committee is required before a Proposed Improvement is commenced. This section of the Design Guidelines explains how such approval can be obtained.
- B. DRAWINGS OR PLANS - Article V of the Declaration requires an Owner to submit to the Committee, prior to commencement of work on any Proposed Improvement, descriptions, plot plans, construction plans, specifications and samples of materials and colors, etc., as the Committee -shall reasonably request, showing the nature, kind, height, width, color, materials and location of the Proposed Improvement. In the case of major Proposed -Improvements, such as room additions, decks, or structural changes, detailed plans should be professionally prepared by an architect, engineer, and/or draftsman and should meet the City of Longmont's requirements. However, simple drawings and descriptions may be sufficient for other Proposed Improvements. Whether done by the Owner or professionally, the following provisions should be followed in preparing drawings or plans:
  - 1. The drawing or plan should be done to scale, and should depict the property lines of the Parcel and the outside boundary lines of the Unit as located on the Parcel. Drawings made from a Parcel survey base are preferred.
  - 2. Existing Improvements, in addition to the Unit, should be shown on the drawing or plan, and identified or labeled. Such Existing Improvements include driveways, walks, decks, trees, bushes, etc.
  - 3. The Proposed Improvements should be shown on the plan and labeled. Either on the plan, or an attachment, there should be a brief description of the Proposed Improvement, including the materials to be used and the colors.
  - 4. The plan or drawing and other materials should show the name of the Owner, the address of the Unit, and a telephone number where the Owner can be reached.
- C. SUBMISSION OF DRAWINGS AND PLANS - Two (2) copies of the "Architectural Control Improvement Request Form" and two (2) copies of the drawing or plan shall be submitted to the Committee. Plans should be submitted to the Committee in care of the Association's property management company.
- D. REVIEW FEE - No fee is charged by the Committee at the time of submission for review of an application. Any costs associated with the review of the application 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 Association in reviewing any Proposed Improvement will be assessed to the Owner requesting approval of the Proposed Improvement.



- E. ACTION BY THE COMMITTEE - The Committee will meet as required to review plans submitted for approval. The Committee may require submission of additional information or material, and the Committee may deny the request until all required information or materials have been submitted. The Committee will act upon all requests within forty five (45) days after receipt of Architectural Control Improvement Request Form or forty five (45) days after receipt of all additional information or materials requested by the Committee, whichever is later, unless the time is extended by mutual agreement. All decisions of the Committee will be in writing.
- F. PERFORMANCE OF WORK - After approval by the Committee, a Proposed Improvement should be accomplished as promptly as possible, in accordance with the approved plans, drawings and descriptions. The work must be completed, in any event, within twelve (12) months after approval by the Committee.
- G. COMPLAINTS - All complaints should be submitted to the Committee, in writing, and must be dated and signed by an Owner. The Board and the Committee will investigate written complaints of Owners for violations of the architectural requirements of the Declaration or these Design Guidelines if such complaints are dated and signed by the Owner.
- H. DECLARATION PREVAILS - The foregoing Design Guidelines and procedures are supplementary to all of the terms and provisions of the Declaration, and shall remain in full force and effect. In the event of any actual or apparent conflict between these procedures and the Declaration, the Declaration shall prevail.
- I. Variance. The Architectural Committee may grant reasonable variances or adjustments from any conditions and restrictions imposed by this Article or Article IX of the Master Declaration, in order to overcome practical difficulties or prevent unnecessary hardships arising by reason of the application of any such conditions and restrictions. Such variances or adjustments shall be granted only in case the granting thereof shall not be materially detrimental or injurious to the other property or improvements in the neighborhood and shall not militate against the general intent and purpose hereof.
- J. Waivers. The approval or consent of the Architectural Committee, or any representative thereof, to any application for architectural approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent by the Committee or any representative thereof, as to any application or other matters whatsoever as to which approval or consent may subsequently or additionally be required.

IV. AMENDMENT

These Design Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, modified, reenacted, or otherwise changed by the Board in its discretion.

THESE DESIGN GUIDELINES WERE INITIALLY ADOPTED By THE BOARD, at national meeting of the Board which was held on the \_\_\_\_\_ day of \_\_\_\_\_, 1997. As provided in the Declaration and as provided in this document, these Design Guidelines are subject to amendment by the Board of Directors.

FOX CREEK FARM MASTER ASSOCIATION,  
INC., a Colorado non-profit corporation

By:  
Secretary