

DESIGN GUIDELINES AND STANDARDS FOR THE DUNES PARK COMMON INTEREST COMMUNITY



Effective as of March 15, 2021

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Design Guidelines and Standards

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1. INTRODUCTION.

1.1. DEFINITIONS. The following words, when used in these Design Guidelines, shall have the meaning hereinafter specified:

- 1.1.1. "Board" means the Board of Directors of the District.
- 1.1.2. "City" means the City of Commerce City, Colorado.
- 1.1.3. "Common Area" means and tracts of land and all right-of-way landscaping as depicted on the Dunes Park Subdivision plat map filed with the Adams County Clerk & Recorder's Office on April 12, 2001.
- 1.1.4. "Common Interest Community or "Community" means the real estate which is described on Exhibit A attached to the Declaration and all other real property which is made subject to the terms and provisions of the Declaration.
- 1.1.5. "County" means Adams County, Colorado.
- 1.1.7. "Declaration" means that certain Declaration of Covenants, Conditions and Restrictions for Dunes Master Owners Association, Inc, recorded June 19, 2001, in the office of the Clerk and Recorder of Adams County, as amended and supplemented from time to time.
- 1.1.8. "Design Guidelines" means these Design Guidelines and Standards, as such may be amended from time to time by the Committee with the advice of the Board.
- 1.1.9. "Design Review Committee" or "Committee" means the committee appointed by the District to review and approve or disapprove requests for architectural approval, as more fully provided in the Declaration.
- 1.1.10 "District" means the Riverdale Dunes Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado, the boundaries of which are located in Commerce City, Colorado.
- 1.1.11. "Established Drainage Pattern" means the drainage pattern that exists at the time the overall grading of any property is completed and shall include any established drainage patterns shown on any plans approved by the Design Review Committee.
- 1.1.12. "Existing Improvements" means any existing exterior improvements, structures, and any appurtenances thereto or components thereof, of every type or kind, and all existing 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 and backboards, stairs, decks, hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, exterior light

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fixtures, poles, signs, exterior tanks and exterior air conditioning, cooling, heating and water softening equipment.

1.1.13. "Final Development Plan" means the Final Development Plans for the Dunes Park Subdivision, as approved by and on file with the City.

1.1.14. "Final Plat" means the Final Plat of the Dunes Park Subdivision, recorded on April 06, 2001, as Reception No. C0784996, in the office of the Clerk and Recorder of Adams County, as amended and supplemented from time to time.

1.1.15. "Home" means a residence that has been built, or is to be built, on a Lot that is in the Community.

1.1.16. "Owner" means any person who owns a Lot, but does not include a person having an interest in a Lot solely as security for an obligation.

1.1.17. "Lot" means each platted lot shown upon the Final Plat and any other recorded subdivision map of the real property in the Community, or any other real property as may hereafter be brought within the jurisdiction of the District, and on which a Home is located or is planned to be constructed or located.

1.1.18. "Proposed Improvement" means any Improvement that 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 Home or other Existing Improvement.

1.1.19. "Rear Yard Perimeter Fence" means the fence which encloses the rear yard area of a Lot, whether such fence is a rear/side yard privacy fence described in Section 2.29.3.1 of these Design Guidelines, an open rail fence described Section 2.29.3.2 of these Design Guidelines, or a combination of both.

1.1.20. "Review Request Form" means the form provided by the District's management company for use in submitting requests for approval of Proposed Improvements to the Committee.

1.2. DESIGN GUIDELINES FOR THE DESIGN REVIEW 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 (except those constructed in accordance with the pre-approved standards set forth herein) must be submitted to the Committee for review and approval.

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

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- 1.3.1. 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;
- 1.3.2. A summary of procedures for obtaining approval from the Committee; and
- 1.3.3. Figures showing approved designs for fences.

1.4. EFFECT OF THE DECLARATION, FINAL DEVELOPMENT PLAN AND FINAL PLAT. THE COMMUNITY AND ALL EXISTING IMPROVEMENTS AND PROPOSED IMPROVEMENTS THEREIN ARE SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF THE DECLARATION, THE FINAL DEVELOPMENT PLAN AND THE FINAL PLAT. THESE DESIGN GUIDELINES ARE FOR CLARIFICATION AND IMPLEMENTATION OF THE TERMS AND PROVISIONS OF THE FOREGOING DOCUMENTS AND SHALL NOT SUPERSEDE THE TERMS AND PROVISIONS OF ANY OF SUCH DOCUMENTS.

1.5. EFFECT OF OTHER GOVERNMENTAL REGULATIONS. Use of any property in the Community and any Existing Improvements and Proposed Improvements must comply with applicable building codes and other governmental requirements and/or regulations. Approval and permits from the City should be obtained when required. Approval by the Committee will not constitute assurance that Existing Improvements or Proposed Improvements comply with applicable governmental requirements and regulations, or that a permit or approvals are not also required from applicable governmental bodies. For information about the City's requirements, Owners should write or call the City's Building and Inspection Department.

1.6. INTERFERENCE WITH UTILITIES. In making Proposed Improvements, Owners are responsible for locating all water, sewer, gas, electric, telephone, cable television, irrigation lines, and other utility lines and easements. Owners should not make any Proposed Improvements over any such easements without the consent of the utility Involved, and Owners will be responsible for any damage to utility lines.

1.7. GOAL OF DESIGN GUIDELINES. Compliance with these Design Guidelines and the terms and provisions of the Declaration, the Final Development Plan and the Final Plat 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 Homes and property within the Community.

1.8. INTREPRETATION OF THE DESIGN GUIDELINES. The Committee shall interpret these Design Guidelines.

1.9. 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 making the complaint. If a violation is found, the

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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 these 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.

1.10. ADVISING OF NEIGHBORS. It is suggested that Owners advise neighbors prior to submitting forms for Proposed Improvements. The Committee may, in its sole discretion, request adjacent neighbor input.

1.11. VIOLATION HISTORY. The Committee will consider the Owner's violation history and current open violations when determining whether to approve the Proposed Improvement. The Committee may deny any Proposed Improvement on the basis that (1) the Owner has failed to adequately address violations that are currently open and/or (2) the Owner has a history of repeatedly failing to adequately maintain other improvements on his/her Property.

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2. SPECIFIC TYPES OF IMPROVEMENTS/DESIGN GUIDELINES.

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. In some cases, as specifically noted in these Design Guidelines, an Owner may proceed with the specified Proposed Improvement without advance approval by the Committee, if the Proposed Improvement is constructed, installed and located in accordance with the stated guidelines for such Proposed Improvement. Proposed Improvements that are not listed will require Committee approval. The architectural style of a Proposed Improvement shall be consistent with the style and character of the Home and other residences built in the same general area of the Community. The Committee in its sole discretion shall determine such consistency.

2.1. ADDITIONS AND EXPANSIONS. Committee approval is required. Owners must use a Design Review Request Form when submitting a request for an addition or expansion. Additions or expansions to the Home 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 Home. ALL WORK IS SUBJECT TO OBTAINING THE REQUIRED PERMITS FROM THE CITY.

2.2. ADDRESS NUMBERS. Address labels shall be maintained on the exterior of each Residential Lot and visible from the street. Committee approval is required to alter or relocate the address numbers. Address labels shall be maintained in good repair (e.g. no missing or damaged numbers).

2.3. ADVERTISEMENTS. See Signs.

2.4. AIR CONDITIONING EQUIPMENT. Committee approval is required. Only air conditioning equipment (including swamp coolers) which are ground-mounted and installed in the rear yard area or rear half of the house in the side yard area (e.g. behind a wing fence) will be approved. The foregoing should be installed in such a way that any noise to adjacent Homes is minimized. Installation of air conditioning equipment (including swamp coolers) on the roof, in windows or, in the exterior walls of a Home will not be permitted. Additionally, any lines, cables, hoses, etc., appurtenant to such air conditioning equipment shall be covered and secured to the side of the Home so as to appear as part of the original construction of the Home.

2.5. ANIMALS. Owners must comply with Commerce City Ordinances and Section 3.11 of the Declaration Document—whichever is more restrictive.

2.6. ARTIFICIAL TURF. Neither artificial turf nor any other floor covering shall be used on any front porch or front yard. Artificial turf installed in any other area of a Lot requires Committee approval.

2.7. ASTRO-TURF. Neither Astro-turf nor any other floor covering shall be used on any front porch, front yard or any other area of a Lot that is visible from any streets or any Common Areas.

2.8. AWNINGS. See Overhangs/Awnings - Cloth or Canvas.

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2.9. BALCONIES. See Decks.

2.10. BASKETBALL BACKBOARDS. Temporary basketball backboards are acceptable but must be placed in such a manner that they do not block sidewalks and pedestrian walkways. Temporary basketball backboards shall not be placed upon any of the public streets in the Community. Temporary basketball backboards must be kept in a working condition to be stored in view. Temporary backboards shall be laid down on their side and stored on the side of the Home when not in use. Any temporary basketball backboard with broken backboards and or poles, torn nets, missing or broken rims must be stored in the out-of-view storage within the Home or behind the Rear Yard Perimeter Fence and must not be observable from the street. Permanent backboards installed on the home or on free-standing poles in the front yard area are not allowed.

2.11. BEEHIVES. Not permitted.

2.12. BIRDBATHS. Committee approval of birdbaths that do not exceed three (3) feet in height or width (including any pedestal) is not required if placed in the rear yard area of a Lot. Installation of birdbaths in the front yard areas of a Lot requires Committee approval.

2.13. BIRDHOUSES AND BIRD FEEDERS. Committee approval of birdhouses and bird feeders which do not exceed 1' x 2' and are aesthetically compatible with the exterior of the Home is not required if the same are installed in the rear yard area of a Lot. No birdhouse or bird feeder must be installed within six (6) feet of the ground level of the Lot. Installation of birdhouses and bird feeders in the front yard areas of a Lot requires Committee approval.

2.14. BOATS. See Vehicles.

2.15. BUG ZAPPERS. Committee approval of bug zappers is not required, so long as the same comply with Section 3.5 (“no Annoying sounds”) of the Declaration.

2.16. BUILDING HEIGHT CHANGES. Requires Committee review and approval and must comply with applicable building codes and zoning regulations established by the City.

2.17. CAMPERS. See Vehicles.

2.18. CABLE TV WIRING/EXTERNAL WIRING. Cable lines or other external wiring running from the cable box to the Home shall be properly buried. Cable lines running on the siding of the Home shall be properly hidden so as not to be visible from the street or neighboring properties. Cable lines must run parallel with all siding and trim boards when possible and must be painted to match the existing color(s) of the residence. Cable lines that must run vertical to the siding shall be attached in a neat and orderly fashion to the Home. See also “Satellite Dishes”.

2.19. CARPORTS. Not permitted.

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2.20. CLOTHESLINES AND HANGERS. Only retractable outdoor clotheslines or hangers may be installed on a Lot. Clothing must be promptly removed from lines when dry. Clotheslines must be retracted when not in use.

2.21. CLOTH OR CANVAS OVERHANGS. See Overhangs/Awnings - Cloth or Canvas.

2.22. COMPOSTING. Committee approval is required. Composting containers must not be immediately visible to adjacent properties and must not emit any offensive odors. Underground composting is not permitted.

2.23. CORNER VISIBILITY. Compliance with the City's intersection sight distance criteria required.

2.24. DECKS. Committee approval is required. Unless otherwise approved by the Committee, decks must be constructed of wood or wood composite materials and, if painted, must be painted to match the color scheme of the Home, and if sealed or stained, must be stained or sealed with a stain or sealant which is either clear or a natural wood color. Decks must be installed as an integral part of the Home and patio area. Decks must be located so as not to obstruct or significantly diminish the view of nearby property owners or create an "unreasonable" level of noise for adjacent property owners. Construction of decks over easement areas is not permitted. Design, dimensions, materials to be used and location must be submitted on drawings.

2.24.1 Maintenance. Decks shall be maintained in good condition and free from significant damage and visible wear and tear (e.g. dents, chipped or peeling paint, faded paint, stains, missing or warped wood, etc.).

2.25. DOG HOUSES. Doghouses must not exceed 5 feet in height and will not be permitted on any Lot unless located in the rear yard area and the Rear Yard Perimeter Fence has been installed. Doghouses must be installed at ground level and shall not be visible above the Rear Yard Perimeter Fence.

2.26. DOG RUNS. Dog runs will not be permitted on any lot unless located in the rear yard area and the Rear Yard Perimeter Fence has been installed. Dog runs on lots adjacent to Common Area shall not be located within five (5) feet of any Open Rail Fencing (as defined in Section 2.32 hereof) which is part of the Rear Yard Perimeter Fence nor in any side yard area adjacent to Common Area. Mature landscape screening which screens the dog run from view from the Common Area is required. Dog runs on Lots not adjacent to Common Areas must be constructed of chain-link or wood fencing with a maximum height of 5 feet.

2.27. DOORS. Committee approval is required for the addition or replacement of storm doors, screen doors, security doors, garage doors, patio doors or any other type door to a Home. The following minimum guidelines and restrictions apply to the various types of doors:

2.27.1. **Front and Back Doors.** Front and back doors may have windows or no windows. The door color (i.e. the accent color) must either comply with the paint color patterns provided in **Exhibit B** or must otherwise be approved by the Committee.

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- 2.27.2. **Storm Doors.** Professionally manufactured storm doors consisting of glass with metal solid colored frames that are an approved color shall hereby be deemed approved by the Committee. The approved colors are white, grey and black and the approved colors for the Home.
- 2.27.3 **Garage Doors.** The garage door must be painted the same body color or trim color of the house. The garage door style must be a roll-up style garage door with a minimum of four rows. The top row must be comprised of windowed panels.
- 2.27.4. **Garage Side Doors.** The door must be painted the base color of the house and its trim, the trim color of the house.
- 2.27.5. **Screen Doors.** Allowed but must be maintained in good condition. The approved colors are white, grey and black and the approved colors for the Home.
- 2.27.6. **Door Maintenance.** All exterior doors and door frames shall be maintained in good condition and free from significant damage and visible wear and tear (e.g. dents, chipped or peeling paint, faded paint, stains, broken glass, missing window panes, missing or broken door handles, etc.).

2.28. DRAINAGE.

- 2.28.1. **Maintenance of Drainage.** Each Lot Owner shall maintain the grading upon his Lot at the slope and pitch fixed by the final grading thereof, including landscaping and maintenance of the slopes. Each Lot Owner agrees, for themselves and their successors and assigns, that they will not in any way interfere with the Established Drainage Pattern over any real property which they have a duty to maintain, from adjoining or other real property. In the event that it is necessary or desirable to change the established drainage over any Lot which a Lot Owner has a duty to maintain, then the party responsible for the maintenance of such real property shall submit a Review Request Form to the Committee for its review and approval.
- 2.28.2. **Recommendations for Landscaping Around Foundations and Slabs.** It is recommended that Owners, in landscaping their Lot, avoid planting flower beds (especially annuals), vegetable gardens or other landscaping which requires regular watering, within five (5) feet of the foundation of such Owner's Home or any slab on the lot. If evergreen shrubbery is located within five (5) feet of the foundation or any slab, then the Owner of the Lot should water such shrubbery by "controlled hand-watering," and should avoid excessive watering. Further, piping and heads for sprinkler systems should not be installed within five (5) feet of the foundation or any slabs.

2.29. DRIVEWAYS. Modifications to the original driveway require Committee approval and must be aesthetically pleasing and in conformance with the overall look of the Community. Modifications or additions to the original driveway must be approved by the Committee and must be constructed with materials identical to the existing driveway. Glitter/sparkle concrete, gravel, or asphalt will not be approved. Any driveway extension shall not be greater than 2 feet wide and shall not encroach into existing easements or upon property line and shall not alter interfere with the Existing Drainage. All

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driveway extensions must be expanded away from the House (as opposed to expanding into the front yard landscaping). [See Section 2.48.3 regarding minimum landscaping design requirements for front yard areas bordering driveways.] Repair or replacement of an existing driveway or sidewalk which is completed with materials identical to the existing driveway or sidewalk and which do not alter the original design of the same shall not require Committee approval. Vehicles must not be parked (partially or completely) off of driveways (or driveway extensions) on landscaped areas of the lot.

- 2.29.1. **Driveway/Sidewalk Maintenance.** Driveways and sidewalks should be maintained free from weeds and grass and stain-free. Owners are also responsible for removal of weeds and grasses on street curbs, gutters and sidewalks bordering their lots. Driveways and driveway extensions should be maintained free from significant damage including but not limited to the following: cracked or crumbling concrete; broken, loose or missing paver stones/bricks used in driveway extensions; collapsed concrete pads due to ground settling or underground broken water pipes; surface flaking and scaling due to freeze-thaw disintegration. Any graffiti on the driveway or sidewalks must be promptly removed by the Owner.

2.30. EVAPORATIVE COOLERS. See Air Conditioning Equipment

2.31. EXTERIOR LIGHTING. See Lights and Lighting.

2.32. EXTERIOR MATERIALS. The only acceptable exterior building materials are those which are of the same standard or higher than those used in the original construction of the Home, as well as brick, stone, or other harmonious materials utilized for accent or Home details as approved by the Committee.

2.33. FENCES.

- 2.33.1. **General.** Fences, walls, columns, entry monuments (individually and collectively "Fences") owned and maintained by the District may not be removed, replaced, stained or painted a different color or altered, including adding a gate, without approval of the Committee. Any District-owned fences bordering an Owner's Lot that are damaged or destroyed by Owner or Owner's agents, guests, tenants, or pets, the Owner shall repair and recondition the same at the Owner's expense.

- 2.33.2. **Drainage.** It is important to remember that certain drainage patterns may exist along or under 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.

- 2.33.3. **Design.** Fences may not be constructed or replaced without Committee approval. Front yard fencing is not permitted. All Fences must adhere to any sight triangle regulations of the City. Fencing shall not be composed of composite materials, vinyl, resin-based or plastic materials. Committee approval is not required for rear yard fences constructed in accordance with the following requirements:

- 2.33.3.1. **Rear/Side Yard Privacy Fences.** All backyard fences (including wing fences) must be constructed of cedar materials with 2in x4in framing and minimum 4in x 4in posts

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cemented into the ground. Fence picket style is solid (i.e. no shadow-box style) with a dog-ear style top design for each picket. No top cap boards are allowed on any fence lines (other than District-maintained perimeter fencing), and no cross boards are allowed on wing-fencing. Fence height restrictions are as follows:

- Side yard fencing (i.e. fencing on the right and left side of the house) – Height must be between 5 feet and 6 feet and must taper down to the wing fence or split rail fence height. The taper in the fence line must begin 3 feet from the split rail or wing fence.
- Back fences (i.e. fence line that runs along the lot line that is directly opposite to the lot line bordering the front street) – Height must be between 5 feet and 6 feet.*
- Wing fences (i.e. fence lines that face the street and attach to the sides of the house) – Height must be 5 feet tall.

*Exception: Per the landscape plan filed with the City on November 02, 2001, the back fence line for all homes on the north side of 113th Avenue must be an open, split-rail type fencing that is 4 feet in height.

2.33.3.2. Open Rail Fences. All open rail fences must be constructed in accordance with the style provided in **Exhibit A.**

2.33.3.3. Material: All perimeter fencing shall be constructed of wood. Vinyl, composite, stone or brick perimeter fencing is prohibited. Owners are not required to stain their fences. However, once fences are stained, Owners must maintain the fence stain color in good condition (free from peeling and fading). Committee approval is required for fence stain colors.

2.33.3.3. Color: Owners are not required to stain their fences. However, once fences are stained, Owners must maintain the fence stain color in good condition (free from peeling and fading). Committee approval is required for fence stain colors unless the fence is stained with a pre-approved color as listed in **Exhibit C.**

2.33.4. Corner Lot Fencing. The wing and side-yard fencing on lots adjacent to public streets shall be an open, split rail style fencing that complies with the design requirements provided in **Exhibit A.**

Note: The Dunes Park subdivision is also subject to Commerce City’s Land Development Code. Section 21-7732 (“Fence Requirements by Land Use”) of Article VII: Development and Design Standards requires the fencing of any lot which borders a public street to be an open-rail style fencing with a minimum set back of 5 feet from the street. Thus, the open fence design standards for corner lots is not only subject to enforcement by the District but also by the City.

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- 2.33.5. Double Fences.** Not permitted. Two sided privacy fences need committee approval. Pickets must share the same posts and side rails. However rear yard privacy fences may be two-sided (pickets on both sides).
- 2.33.6. Fences for Screening Located Within Lot Line.** Must be an integral part of the landscape design.
- 2.33.7. Gates.** Committee approval is required before installing any gates in any fence lines.
- 2.33.8. Wire Fencing.** Except for the wire mesh approved for Open Rail Fencing and chain-link dog runs approved by the Committee and constructed in accordance with Section 2.33 hereof, no plastic or metal chicken wire, hog wire, barbed wire, chain links, or strand wire will be allowed unless Committee approval is obtained.
- 2.33.9. Maintenance Responsibility.** All fence lines shall be maintained free from significant damage, warping and stains (including graffiti). Fence posts shall be properly anchored in the ground. Missing or damaged fence pickets, caps and runner boards shall be promptly replaced. Land grading shall be adequately maintained and managed to ensure dirt and sand does not build up against the fence line (causing long-term warping and damage to the fence line).

2.34. FIREWOOD STORAGE. See Wood Storage.

2.35. FLAGPOLES. Committee approval is required for any freestanding flagpoles. Committee approval is not required for flagpoles mounted to a Home, provided that they are either (1) temporary in nature and are only displayed on holidays or in celebration of specific events or (2) permanent in nature displaying the flag of the U.S., Colorado State or U.S. military service branch. No more than three flags may be displayed at the same time on a Lot. The highest point of any flagpole may not exceed the roofline of the Home, and flags shall not exceed six (6) feet in length.

2.35.1 Maintenance. Flags shall be maintained in good repair and free from rips or stains

2.36. FLOWERBOXES/POTS/URNS. Front yard flowerboxes must be approved by the Committee. Flower boxes attached to the house must be painted the trim color of the house. Ground level boxes in the backyard do not need prior Committee approval. Flowers and greenery (planted in flower boxes or in the ground) visible from the street, common properties, or above fence line, must be planted with live vegetation.

2.36.1. Maintenance. Flowerboxes, pots and urns shall be maintained free from significant damage including but not limited to broken or warped wood, cracked or broken pots, chipped or peeling paint. Additionally, flowerboxes and pots shall be maintained free from plant debris, dead plants and dead plant growth. Infectious or diseased plants shall be promptly treated or removed. Flowerboxes and pots that are empty or devoid of live plants shall be removed and stored away from sight (unless Committee approval received to incorporate empty flower pots in the overall landscape design).

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2.37. GARBAGE CONTAINERS AND STORAGE AREAS. See Trash Containers.

2.38. GARDENS - FLOWER OR VEGETABLE. Committee approval is not required for flower or vegetable gardens that do not alter the Existing Drainage. All gardens must be properly maintained in an aesthetically pleasing manner. Vegetable gardens must be located in the rear yard area of a Lot and must be screened from view of adjacent Owners.

2.39. GAZEBOS. Committee approval is required. Any gazebo must be an integral part of the landscape plan and must not obstruct any adjacent Owner's view. All gazebos must be of a design and constructed with materials that are aesthetically compatible to the Home and painted, stained or sealed in the same manner as a deck. Gazebos must not be constructed of aluminum or plastic materials and shall not exceed 150 square feet in size.

2.40. GRADING AND GRADE CHANGES. See Drainage.

2.41. GREENHOUSES AND GREENHOUSE WINDOWS. Greenhouses will not be permitted. No greenhouse windows will be permitted on any Lot unless located on the rear of the Home and approved by the Committee. Generally, greenhouse windows will be discouraged due to the extensive maintenance required. Approvals of any greenhouse windows will be based upon, but not limited to, the general aesthetics, quality and permanence of the materials used.

2.42. HANGING OF CLOTHES. See Clotheslines and Hangers.

2.43. HOT TUBS AND JACUZZIS. Committee approval is required. Must be in the rear yard and must be an integral part of the deck or patio area and of the rear yard landscaping. Installation should follow City of Commerce City code for noise limits.

2.44. HOUSE EXTERIOR MAINTENANCE. See also Additions and Expansions, Address Numbers, Doors, Painting, Patio Covers, Rain Gutters/Downspouts, Roofs, Rooftop Equipment, Shutters, Siding and Windows.

- 2.44.1 Maintenance. Owners shall ensure the Home exterior—including but not limited to windows, doors, porches, garage doors and exterior lights—is well maintained and reasonably free from stains, dirt, mud, cobwebs, bird excrement and plant matter. Stone and brick facades on the Residence exterior shall be maintained in good repair and damaged or missing bricks or stones shall be promptly replaced. Graffiti on any portion of the Home exterior—or any other structure located on the Lot—shall be promptly removed by the Owner.

2.45. IRRIGATION SYSTEMS. Underground manual or automatic irrigation systems will not require approval of the Committee. Such systems should not be installed within the first five feet of the foundation.

2.46. JACUZZI. See Hot Tubs and Jacuzzis.

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2.47. JUNK/INOPERABLE VEHICLES. Not allowed on the Lot, unless stored inside the garage structure.

2.48. LANDSCAPE AND MAINTENANCE. Front and backyards must be landscaped. All Landscaping Improvements require Committee approval and must (1) not alter, modify or change the Established Drainage of a Lot and/or any surrounding Lots, Common Area, (2) comply with the provisions of this Section and (3) comply with any minimum landscaping requirements established by the City.

2.48.1. Gravel, rock and/or soil piles left in front or on visible side yards of Lots, in the street, or on the driveway shall be left no longer than a period of thirty (30) days. Leaving a gravel, rock and/or soil pile in a street is not suggested. Contact the City for more specific information.

2.48.2. Delivery and placement of landscape materials shall not damage any Common Area. Delivery trucks are not allowed to cross the Common Area (to avoid sprinkler and landscape damage). If this regulation is violated and damage to the Common Area results, the Owner will be held financially responsible for repairing the damage caused by the Owner or the Owner's agent, guests or tenants.

2.48.3 All front and back yards must meet the following minimum requirements:

- a) Rockbeds and all other types of hardscape areas must be lined with a polyester or polypropylene fabric weed barrier. Concrete and newspaper are not acceptable weed barriers. Use of other weed barrier materials requires Committee approval.
- b) The front and backyard yard areas must be landscaped. Turf, rockbeds, flowerbeds, patios, sidewalks, sandboxes, dog runs and gardens all count as landscaped areas and require Committee approval.
- c) Side Yard Landscape Design: Side yards (the yard area on the opposite side of the driveway that is not in front of the house) must be landscaped and must contain living plant material. (Landscape design comprised of 100% hardscape is not allowed.) Changes to landscape design must be approved by the Committee.
- d) Prohibited Landscape Materials: The following types of hardscape materials are prohibited from being used in any landscape designs: Pea gravel, lava rock.
- e) Landscape Design Of Area Between Driveway and Sidewalk (Leading Up to the House): The area between the sidewalk and the driveway may not be filled in with concrete of the same material and style as the driveway and/or sidewalk. Hardscape materials for this area are limited to the following: (1) river rock, (2) mulch, (3) brick, (4) paver stones and (4) stamped, colored concrete. Committee approval is required for any changes to the design of this area.

2.48.4 **Maintenance.** Lawns shall be regularly mowed and kept reasonably free from dandelions, oxalis, clover and other types of weeds. Rockbeds and lawns must be

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maintained free from weeds and grass. Lawns, rockbeds, tree rings and planterbeds shall be maintained in a manner compatible with their designed purpose. For example, flowers should be planted in flowerbeds (not in lawns or rockbeds), grass should be maintained only in the lawn area (not in rockbeds, flowerbeds, tree rings). Borders/barriers shall be installed between turf areas and rockbeds and planter beds. Although tree rings are not required around trees in turf areas, tree rings must be maintained if installed.

- i. ***Animal Waste.*** Front and back yards shall be maintained free from animal waste.
- ii. ***Equipment and Materials.*** Storage – Landscape equipment and materials (e.g. lawn mowers, potting soil, tools, bricks, unused sod, rock piles, sprinkler parts, etc) shall not be stored on or around the Lot exterior. Such items shall only be stored in an enclosed structure (i.e. garage or Home) on the Lot.
- iii. ***Landscaping Irrigation.*** Lawns, bushes, trees and flowerbeds shall be watered regularly within the limits of any local watering restrictions.
- iv. ***Landscape Structures.*** Latticework, trellises, pergolas, fences, retaining and decorative walls and other landscape structures shall be adequately anchored and maintained free from significant damage and wear and tear. Wood structures should be periodically stained or painted.
- v. ***Leaf Maintenance.*** Leaves shall be cleared from the Lot after approximately 75% of related tree crown(s) has shed its leaves.
- vi. ***Plant Encroachment.*** Bushes, trees and shrubs shall be trimmed to prevent unreasonable encroachment on adjacent lots.
- vii. ***Plant Maintenance.*** Bushes and shrubs shall be regularly trimmed and dead growth shall be removed. Dead plants shall be removed. Infectious or diseased bushes, plants and shrubs shall be promptly treated or removed.
- viii. ***Planterbed Maintenance.*** Planterbeds shall be maintained free from leaves, grass clippings and other plant debris. An adequate layer of mulch, bark or rocks shall be maintained to cover weed barriers. Weed barriers shall be maintained and periodically replaced to prevent excessive, reoccurring weed growth in the planterbeds. Excessive bark or other ground cover from the planterbed shall be removed from the adjacent sidewalks, alleyways and streets.
- ix. ***Rockbed Maintenance.*** Rockbeds shall be maintained free from leaves, grass clippings and other plant debris. An adequate layer of rocks shall be maintained to cover weed barriers. Weed barriers shall be maintained and periodically replaced to prevent excessive, reoccurring weed growth in the rockbeds. Excessive rocks from the rockbeds shall be removed from the adjacent sidewalks, alleyways and streets.

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- x. ***Sprinkler Systems.*** Sprinkler systems shall be maintained free from line breaks and broken or damaged heads. Sprinkler heads shall be oriented to prevent direct spraying onto fences or into natural areas where added irrigation may encourage uncontrolled growth.
 - xi. ***Tree Maintenance.*** Trees must be trimmed to ensure a minimum 8-foot clearance over both the sidewalk and street. In addition, tree suckers at the base of the tree should be cut off and seedlings growing around or near the base of the tree shall be removed. Trees where more than 50% of the crown is dead or removed, shall be removed. The Committee may request trees to be replaced where 25% or more of the crown is dead or removed. Infectious or diseased trees shall be promptly treated or removed.
 - xii. ***Tree Stumps.*** Not permitted/shall be removed and soil shall be filled in to eliminate any resulting depressions in the ground.
 - xiii. ***Turf Maintenance.*** Bare areas greater than 1 square foot within the turf area shall be repaired and restored back to turf condition. Lawns shall be edged along sidewalks and driveways.
- 2.48.5. **Tree Lawn Area.** Tree lawns (the 3-foot wide area between the sidewalk and the street) shall be landscaped with sod and a permanent, underground irrigation system. A minimum of one tree (and no more than two trees) must be maintained in the tree lawn area in front of each House. For corner lots, a minimum of one tree (and no more than two trees) must be maintained in the tree lawn area on the side of the house. The minimum tree size is 1.5-inch caliper trunk and the tree must consist of only one trunk. Trees where the crown is more than 50% dead must be replaced. Trees in the tree lawn area are restricted to the following types of trees approved by the Committee (and the City):
- Deciduous Shade Trees (Drought Tolerant)
 - Columnar Norway Maple (*Acer platanoides* “Columnar”)
 - Prairie Pride Hackberry (*Celtis occidentalis* “Prairie Pride”)
 - Shademaster Honeylocust (*Gleditsia triacanthos* “PNI 2835”)
 - Skyline Honeylocust (*Gledisia triacanthos* “Skycole”)
 - Kentucky Coffee Tree (*Gymnocladus dioicus*)
 - Swamp White Oak (*Quercus bicolor*)
 - English Oak (*Quercus robur*)
 - Deciduous Shade Trees
 - Bur Oak (*Quercus macrocarpa*)
 - Red Oak (*Quercus rubra*)
 - Glenleven Linden (*Tilia cordata* “Glenleven”)
 - Greenspire Linden (*Tilia cordata* “PNI 6025”)
 - Turkish Filbert (*Corylus colurna* Tree Form)
 - Autumn Purple Ash (*Fraxinus americana* “Autumn Purple”)
 - Red Maple (*Acer rubrum*)
 - Ornamental Trees

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- Tatarian Maple (*Acer tataricum*- Tree Form)
- Spring Snow Crabapple (*Malus "Spring Snow"* - Tree Form)
- Golden Rain Tree (*Koelreuteria paniculata*)
- Chanticleer Pear (*Pyrus calleryana "Chanticleer"*)
- Japanese Tree Lilac (*Syringa reticulata*)
- Thornless Cockspur Hawthorn (*Crataegus crus-galli inermis* Tree Form)

2.48.6. **Xeriscaping**. Committee approval is required.

2.48.6.1 **Definition**. Per section 38.33.3-106.5 of the Colorado Statutes, xeriscaping is defined as "the combined application of the seven principles of (1) landscape planning and design, (2) soil analysis and improvement, (3) appropriate plant selection, (4) limitation of turf area, (5) use of mulches, (6) irrigation efficiency, and (7) appropriate maintenance that results in water use efficiency and water-saving practices." Xeriscaping requires using native and adaptive plants that can grow and sustain themselves in dry natural conditions such as those in Colorado.

2.48.6.2 **Restrictions on District's Ability to Regulate**. Section 38.33.3-106.5 of the Colorado Statutes states that notwithstanding any provision in the Declaration or rules and regulations of the District to the contrary, the District shall not prohibit any Owner's use of xeriscape or drought-tolerant vegetative landscapes to provide ground covering to a Lot. Further, Section 37-60-126(11) of the Colorado Statutes states that any covenant either prohibiting xeriscaping or requiring the primary or exclusive use of turf grass is unenforceable as it is against public policy.

2.48.6.3 **Authorization to Regulate**. Section 38.33.3-106.5 of the Colorado Statutes allows the District to adopt and enforce design and aesthetic guidelines or rules that (1) require drought-tolerant vegetative landscapes or (2) regulate the type, number and placement of drought-tolerant plantings and hardscapes that may be installed on an Owner's property.

2.48.6.4 **Advantages to Xeriscaping**. The advantages of xeriscaping include:

- Substantial cost savings on water bills;
- Conservation of diminishing water resources;
- Prevention of pollution from environmentally harmful run-off;
- Reduced yard maintenance requirements;
- Aesthetic beauty and increased homeowner options for plant material.

2.48.6.5 **"Zero-scaping"** The Committee makes a distinction between the terms "zero-scaping" and xeriscaping. Although the term zero-scaping does not exist, some owners may have the perception that xeriscaping utilizes large areas of hardscape such as boulders, rocks, gravel or other inorganic materials, with few plantings and little or no natural turf grass. Although this approach is indeed water-conserving, it is devoid of plants and grasses and not in keeping

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with the aesthetics of the neighborhood. Landscaping in this fashion is not allowed.

2.48.6.6 **Turf area.** The Committee will allow variances to the requirement for full green lawn (turf) areas up to 100% of available front yard space.

2.48.6.7 **Tree Lawn.** The tree lawn area must be comprised of at least 75% drought-tolerant grasses and free from plants (other than trees) that grow taller than 12 inches.

2.48.6.8 **Hardscapes.** Hardscapes are encouraged to reduce lawn areas. The use of boulders, rocks, gravel, decomposed granite or other inorganic materials, generally referred to as hardscape, should not exceed 50% of the landscapable area of the front and/or side yard. The reasons for limiting the coverage area with hardscape materials is two-fold:

- To avoid “zero-scape” appearances which are devoid of plantings or grasses, a concept incompatible with the Harvest Meadows neighborhood aesthetics
- Hardscape materials absorb and store solar energy and ambient heat. This considerable heat is then radiated to the surrounding soil, plantings and turf grasses, often throughout the night, with an adverse, withering impact on ground vegetation and nearby trees.

2.48.6.9 **Plant Bed Borders.** Non-turf planted areas must be bordered to define the xeriphytic area clearly from turfed areas.

2.48.6.10 **Plant Variety.** Owners should avoid planting large numbers of only one plant species, which can create a monoculture susceptible to pest or insect problems. The abundance of Xeriscape plants – trees, shrubs, perennials, groundcovers, vines and grasses – available in the nursery industry make it possible to choose plantings which give color and interest (flowers, fruits, berries, and foliage) year-round. Consequently, xeriscape plans should incorporate no less than four different types of shrubs, perennials, groundcovers, vines and grasses (excluding trees and grass in any remaining turf area).

2.48.6.11 **Weed Barriers.** All hardscapes must be lined with weed fabric or other weed-preventing barrier. Weed barriers deteriorate over time diminishing the effectiveness of such weed barriers. Owners are required to monitor the effectiveness of the weed barriers underlying all hardscapes and, if deemed substantially ineffective by the Owners or the Committee, shall replace such weed barriers.

2.48.6.12 **Maintenance.** Xeriscapes require ongoing maintenance and upkeep. Xeriscape owners are responsible for maintaining their xeriscapes using methods similar to those required of other owners having conventional landscaping designs. Each lot must be maintained in a neat, clean and orderly

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condition by the owner, so as not to be viewed as unkempt. Xeriscaping maintenance includes, but is not limited to:

- Mowing water-conserving turf such as Buffalo, Zoysia or Bermuda grasses,
- Employing weed control techniques, such as installing landscaping cloth in plant beds as weed barriers,
- Pruning and shaping plants,
- Replacing diseased and dead plantings,
- Owners should consider converting sprinkler heads to drip irrigation heads in plant beds, or grouping plants into water zones based on similar water needs so that sprinkler systems will not waste water on plants or turf grasses that do not need it.

2.48.6.13 **Decorative Objects.** Hardscapes can include large boulders or other natural materials that are used as a part of the xeriphytic landscape design. The Architectural Review Committee prefers to see natural colored rock and masonry or masonry that matches the existing house color. Water features, Urns, and other man-made ornamentation can add variety but not to exceed 4 items in public view. No boulders or large rocks exceeding 12 inches height may be used in the sidewalk strip area.

2.48.6.14 **Safety.** For public safety, no plant with thorns, spines, or sharp edges can be used within 6 feet of the public sidewalk.

2.49. LATTICEWORK. Committee approval is required for any type of trellis or latticework.

2.50. LIGHTS AND LIGHTING. Committee approval is not required for installing or replacing exterior lighting which is (a) of the same style and character as those originally installed by the builder on an Owner's Home or Lot or on other Homes or Lots In the Community; (b) as small in size as is reasonably practicable; (c) directed towards the Home; and (d) does not emit any light that is unreasonably bright or causes unreasonable glare to surrounding Owners. Exterior, non-holiday, colored lighting around Homes and Landscaping must be approved by the Committee. Use of high wattage spotlights or floodlights is prohibited. Committee approval is not required for reasonable temporary holiday lighting that does not create a nuisance to adjacent Owners is not required.

2.51. MINING AND DRILLING. Not permitted.

2.52. NEWSPAPER DELIVERY RECEPTACLES. Not permitted.

2.53. OVERHANGS/AWNINGS - CLOTH OR CANVAS. Committee approval is required. The color must be the same, as the exterior of the Home unless otherwise approved by the Committee. Metal, plastic and fiberglass awnings are not permitted. Awning fabric must be well-maintained (e.g. no significant tears, no faded color, no significant stains or dirt, etc).

2.54. OUTDOOR FURNITURE (FRONT YARD). The placement of furniture on or around the front or side yard of the Lot (including the porch) requires Committee approval. Generally, furniture not designed for outdoor use will not be approved by the Committee. Outdoor furniture and decorations

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shall be well maintained and reasonably free from significant, visible cosmetic damage and wear and tear.

2.55. PAINTING. Home exteriors shall be periodically painted to prevent a faded or worn appearance. Committee approval is required regardless of whether the color combinations are identical to the current colors of the Home. Any changes in color and/or color combinations require Committee approval prior to commencement of such painting.

- 2.55.1. It is recommended that all Homes be painted on a regular schedule to avoid chipping and peeling.
- 2.55.2. Any proposed changes to color and/or color combinations must be different from neighboring Homes. The Committee will not approve submittals without a description of neighbors' paint colors. Failure by the Committee to so inform the Owner requesting such approval shall not be deemed an approval under the Declaration.
- 2.55.3. Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.
- 2.55.4. Most Homes have multiple tone paint schemes (e.g., siding color, trim color and accent color for shutters and doors). New colors submitted should ensure the siding color and trim color are different to preserve this multiple tone scheme within the neighborhood. For example, if the trim was a different color than the doors and shutters originally, it should also be different in the submitted colors.
- 2.55.5. Color selections should be submitted to the Committee in the form of manufacturer's paint chips or color swatch. Please indicate which color chips are for trim, siding and accent (doors and shutters) color.
- 2.55.6. In general, after approval, only those areas that are painted may be repainted and only those areas that are stained may be restained; unpainted surfaces and unstained areas (such as brick) shall remain unpainted and unstained.
- 2.55.7. Once a homeowner starts painting, the project must be completed within 30 days.
- 2.55.8. In general, color combinations selected from the list of Committee-approved exterior paint color combinations (see **Exhibit B**) are automatically approved on the condition that such color combination also complies with the requirements of sub-sections 2.50.2, 2.50.3, 2.50.4, 2.50.6 and 2.50.7.

2.56. PATIO COVERS. Committee approval is required. Plans must show the exterior elevation, proposed materials and colors, and include dimensions. If the patio cover is attached to the house, the design and materials must be consistent with the home. The siding portions of the cover must be painted the same base color as the house.

2.57. PATIOS (ENCLOSED). See Additions and Expansions.

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2.58. PATIOS (OPEN). Patios which do not exceed the dimensions of the patios originally installed or offered as an option by the builder do not require Committee approval. Committee approval is required for all other patios. Patios shall not be located within any easement or setback areas.

2.59. PAVING. Committee approval is required for all types of paving, whether for walks, driveways, patio areas or other purposes. Request forms must disclose the color and types of materials proposed, (e.g. concrete, brick, flagstones, stepping stones, pre-cast patterned or exposed aggregate concrete pavers).

2.60. PIPES. See Utility Equipment.

2.61. PLAY STRUCTURES AND SPORTS EQUIPMENT. Committee approval is required. Play structures (including playhouses, swing sets, trampolines and jungle gyms) shall be located in the rear or side yard and must be a minimum of five (5) feet from the boundary line of the Lot upon which it is located. The size of play structures will be considered on a case-by-case basis depending on Lot size and proximity to neighbors. The maximum height of the equipment should not exceed fourteen (14) feet. Committee may request written consent be obtained from adjacent neighbors. Play and sports equipment shall be in good working order and free from significant damage (e.g. ripped nets, torn fabric, broken swings, broken slides, damaged wood, faded or peeling paint, bent poles, etc.). Landscaping underneath mobile playstructures must continue to be well maintained. Play and sports equipment (including swimming pools, tents, bikes, powered riding toys, hockey nets, etc) shall be moved off of the front or side yards and store away from sight when not in use.

2.62. POLES. See Flagpoles, Utility Equipment, Basketball Backboards, etc.

2.63. POOLS. Committee approval is required. A site plan must be submitted. Approval will be based upon the structure design, placement, appearance, and materials. This includes only permanent or year-round above and in-ground swimming pools. Structures built above and around swimming pools will not be approved. Small wading pools located in the rear yard areas of a Lot, which can and are drained and removed from sight after each use, shall not require Committee approval.

2.64. PORCH. Committee approval is required before changing the design, color or type of materials used in the construction of the front porch including porch railings, posts, stair and porch surface/foundation.

2.64.1. **Maintenance.** Porches shall be maintained in good repair. Damaged or deteriorating rails, posts and/or post base shall be replaced. Porch rails and posts shall be periodically repainted to avoid faded or peeling paint. Porch surface shall be maintained free from significant stains. Any graffiti shall be promptly removed by the Owner.

2.64.2 **Storage.** Porches shall not be used as a storage area. Unacceptable items stored on the porch include, but is not limited to, car parts, storage boxes, recyclable materials, trash cans, indoor furniture, newspapers, landscaping materials, gardening equipment, propane tanks, appliances, storage shelves, book cases, wood piles, cigarette butt containers and building materials. Only functional and decorative items shall be allowed on and around the porch including chairs, benches, tables and other furniture suitable for outdoor use. Bikes and one container for childrens' outdoor toys and play equipment may be stored on the porch.

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2.65. RAIN GUTTERS/DOWNSPOUTS. Committee approval is required before installing or removing rain gutters or downspouts on the exterior of the Home. Rain gutters and downspouts must match the body color of the Home.

2.65.1 **Maintenance.** Rain gutters and downspouts shall be maintained in good repair. Damaged or missing rain gutters and/or downspouts shall be replaced with like materials of the same design and color.

2.66. ROOFS. Committee approval is required before replacing or modifying the roof on any structure on the Lot. Roof shingles are limited to asphalt and laminate-type shingles. Roof vent flashings shall be properly installed and covered. When submitting a design request form, Owner shall include the color, manufacturer and type of material to be used. Uniformity with existing Homes in the Community is required.

2.66.1 **Maintenance.** Roof shingles and flashing shall be maintained in good repair. Damaged or missing roof shingles and flashing shall be replaced with like materials of the same design and color.

2.67. ROOFTOP EQUIPMENT. Committee approval is required. Must be painted to blend with the roof and be installed in order to minimize the visibility of the equipment on the roof.

2.67.1 **Maintenance.** Rooftop equipment shall be maintained in good repair. Damaged or deteriorating rooftop equipment shall be replaced with like materials of the same design and color.

2.68. SATELLITE DISHES. Committee approval is required before installing any satellite dishes exceeding 3 feet in diameter. Committee approval is required before installing satellite dishes on any location on the Residential Lot other than the roof of the Home. See also "Cable TV Wiring/External Wiring". Satellite dishes larger than 36" will not be approved. Unused satellite dishes and satellite dishes with visible wear and damage must be removed.

2.69. SAUNAS. See Additions and Expansions.

2.70. SCREEN DOORS. See Doors.

2.71. SEASONAL DECORATIONS. All seasonal decorations must be removed within thirty (30) days following the particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion.

2.72. SETBACKS. The City's requirements must be met.

2.73. SEWAGE DISPOSAL SYSTEMS. Not permitted.

2.74. SHUTTERS (EXTERIOR). Committee approval is required before installing or removing shutter on the exterior of the Home. Exterior shutters must be the same materials as shutters on other

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Homes in the Community and painted to match the color scheme of the exterior of the Home, unless otherwise approved by the Committee.

2.74.1 Maintenance. Shutters shall be maintained in good repair. Damaged or deteriorating shutters shall be replaced. Shutters shall be periodically repainted to avoid faded or peeling paint. Any graffiti shall be promptly removed by the Owner.

2.75. SIDEWALK/STAIRS. Committee approval is required for any alterations to existing sidewalks or stairs or the installation or removal of any sidewalks or stairs on or around the Lot. The sidewalk running in front of the Home is a City right-of-way maintained by the City. Any alterations to such sidewalk require both City and Committee approval.

2.75.1 Snow Removal. Snow shall be removed from the front yard sidewalk and stairs within 24 hours after the end of a snow storm.

2.75.2 Maintenance. Sidewalks and stairs shall be maintained free from weeds and grass and stain-free. Owners are also responsible for removal of weeds and grasses on street curbs and gutters bordering their lots. Sidewalks and stairs should be maintained free from significant damage including but not limited to the following: cracked or crumbling concrete; broken, loose or missing paver stones/bricks used in driveway extensions; collapsed concrete pads due to ground settling or underground broken water pipes; surface flaking and scaling due to freeze-thaw disintegration. Any graffiti on the stairs or sidewalks must be promptly removed by the Owner.

2.75.3 Slip-and-Fall / Trip Hazards. Owners are responsible for identifying and ensuring slip-and-fall and trip hazards on their respective Lots are adequately addressed. Uneven sidewalks shall be adequately repaired or replaced by the Owner. (Note: Owners should contact the City regarding damaged right-of-way sidewalks in front of the Home.) Leaking sprinklers, sump pumps and other water hazards running across sidewalks shall be adequately remedied by the Owner.

2.76. SIDING. Only the original type of installed house siding materials is approved by the Committee. Siding made of aluminum, metal, plastic, or vinyl is not allowed.

2.76.1 Maintenance. Siding shall be maintained in good repair. Damaged, stained or faded siding shall be replaced. Any graffiti shall be promptly removed by the Owner.

2.77. SIGNS. No sign, poster, billboard, advertising device, or display of any kind shall be erected or maintained anywhere within the Community so as to be evident to public view, except signs approved in writing by the Committee. Notwithstanding the foregoing, Committee approval is not required for temporary signs advertising (1) the existing property for sale or lease, (2) a current political candidate or election ballot issue or (3) garage sales. Signs shall not be greater than five (5) square feet in area. Regarding political signs, no more than one sign per lot is permitted per political candidate/ballot issue and political signs must be removed no later than seven days after the Election Day. Garage sale signs must be removed within 24 hours after the garage sale event. Generally, Committee approval will be denied for signs advertising or promoting businesses or religious organizations.

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2.78. SKYLIGHTS. Committee approval is required. The color of the skylight frames must match the dark brown color of the window frames

2.79. SOLAR ENERGY DEVICES. Committee approval is required. Collectors shall be flush with the roof surface and non-reflective finishes are preferred. Line voltage wires and conduit from the panels to meter/disconnect must be neat and fastened to the Home exterior (i.e. no loose wires). See also Rooftop Equipment.

279.1 **Maintenance.** Solar panels shall be well maintained and reasonably free from significant, visible damage. Damaged solar panels shall be promptly replaced or removed.

2.80. SPAS. See Hot Tubs and Jacuzzis.

2.81. SPRINKLER SYSTEMS. See Irrigation Systems.

2.82. STATUES. Committee approval is required. However, Committee approval is not required for statues that are installed in the rear yard area of a Lot and which do not exceed four (4) feet in height.

2.82.1 **Maintenance.** Statues, bird baths, murals and similar outdoor structures shall be well maintained and reasonably free from significant, visible cosmetic damage.

2.83. STORAGE. The Lot exterior (including the front porch, front yard, driveway, backyard, backyard deck and side yard) shall not be used as a storage area. Specifically, appliances, furniture (other than Committee-approved outdoor furniture), car parts, tools and equipment, landscaping materials, lumber, rock piles, construction materials, storage boxes, bags, pallets, propane tanks. Barbeque grills shall only be stored in the back yard of the Residential Lot.

2.83.1 **“For Sale” and “Free” Items.** Items advertised as “for sale” or “free” shall not be left out on the Residential Lot for more than 48 consecutive hours within a 2-week period of time.

2.84. STORAGE SHEDS/ACCESSORY BUILDINGS. Section 3.13 of the Declaration specifically prohibits storage sheds and accessory buildings on any Lot.

2.85. STORM DOORS. See Doors.

2.86. SWAMP COOLERS. See Air Conditioning Equipment

2.87. SWINGSETS. See Play Structures and Sports Equipment

2.88. TEMPORARY STRUCTURES. Pursuant to Section 3.13 of the Declaration specifically prohibits storage sheds and accessory buildings on any Lot; provided, however, that during the actual construction, alteration, repair or remodeling of a structure or other Improvements, necessary temporary structures for storage of materials may be erected and maintained by a Person doing such work.

2.89. TRAILERS. See Vehicles.

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2.90. TRASH CONTAINERS. Pursuant to Section 3.10 of the Declaration, all garbage or trash cans or receptacles shall be obscured from public view (i.e. stored in the garage, behind the wing fence) provided, however, that garbage or trash cans or receptacles may be placed outside no earlier than 5:00pm the day prior to garbage or trash pick-up. Trash containers must be picked up and put away by 9:00pm the day of collection. Storing trash cans behind cars parked in the driveway does not meet the criteria of “obscured from public view.” All refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind shall be deposited in closed garbage cans.

- 2.90.1 **General Policing of Trash Accumulation.** Owners are responsible for ensuring their Lots (including front and back yards, driveways, sidewalks and street curbs) are maintained free from accumulation of refuse, garbage, trash, tumbleweeds, cigarette butts, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind. Owners are also responsible for ensuring trees (especially in the tree crowns), bushes, antennas and roof vents are maintained free from bags, trash and other floating debris.
- 2.90.2 **Newspapers/Advertisements.** Owners are prohibited from allowing newspapers, advertisements and similar articles to accumulate on the porch or around the Lot. Such items shall be promptly stored away from sight or deposited in the Owner’s trash cans.
- 2.90.3 **Cigarette Butt Containers.** Shall not be stored on or around the exterior of the Home (including the porch area).
- 2.90.4 **Trash Container Limit.** No more than 3 trash containers shall be stored within the fenced rear and side yard of each Lot. Additional trash cans may only be stored within the garage, or Home on the Lot. Temporary storage of additional trash containers, storage bins or dumpsters on or around the Lot requires Committee approval.
- 2.90.5 **Trash Bags and Recyclable Materials.** Storage of trash in bags on or around the Lot exterior is prohibited. All trash must be stored in trash containers. Recyclable materials shall not be stored on or around the Lot exterior, with the exception of storage in a recycle container (which is subject to the restrictions provided in this section for suitable trash can storage areas).
- 2.90.6 **Trash Dumpsters.** Trash dumpsters shall be placed and stored on a Lot for no more than 14 days unless additional time has been approved by the Committee.
- 2.90.7 **Trash Can Screens.** Not permitted.

2.91. TREE HOUSES. Not Permitted.

2.92. UNDERDRAINS. Modification or impeding the flow of drainage is prohibited.

2.93. UTILITY EQUIPMENT. Installation of utilities or utility equipment requires Committee approval unless located underground or within an enclosed structure. Pipes, wires, poles, utility meters

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and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.

2.94. VANES. Committee approval is required.

2.95. VEHICLES.

2.95.1 **Driveway Parking.** Vehicles may only be parked on the driveway or within the enclosed garage structure. Parking of vehicles partially off the driveway (or off any Committee-approved driveway extension) is prohibited. Vehicles parked in driveways but blocking the public sidewalk right-of-way access is a violation of City parking ordinances.

2.95.2 **Street Parking.** Please contact City Police regarding ordinances and restrictions pertaining to passenger car parking on the streets. City ordinances restrict how close vehicles parked on the street may be to a driveway, stop sign or fire hydrant. City ordinances also restrict certain types of commercial trucks and trailers from parking on the streets. City parking permits may be required for certain size vehicles. Refer to the Board's Parking Enforcement Policy regarding restrictions on parking boats, trailers, campers, RVs and box trucks on the streets within the Community.

2.95.3 **Recreation and Commercial Vehicles.** As provided in Section 3.27 of the Declaration, "No boat, camper (on or off supporting vehicles), trailer, tractor, truck, industrial or commercial vehicle (both cabs or trailers), towed trailer unit, motorcycle, disabled, junk or abandoned vehicles, motor home, mobile home, recreational vehicle or any other vehicle, the primary purpose of which is recreational, sporting or commercial use, shall be parked or stored in, on or about any Lot or street within the Common Interest Community except within the attached garage or unless such vehicles are concealed from view and approved by the Design Review Committee. For the purposes of this covenant, a ¾-ton or smaller vehicle commonly known as a pickup truck shall not be deemed a commercial vehicle or truck. Further, any of the foregoing vehicles may be parked in the Community for a period not to exceed two forty-eight (48) hour periods within a 7-day period as a temporary expedient for loading, delivery, or emergency.

2.95.4 **Maintenance and Storage.** Vehicle repairs and maintenance shall be performed only within the enclosed garage structure. Car parts including batteries, bumpers, tires, oil pans, engine parts, body parts, etc. shall not be stored on or around the Lot exterior. Such items shall only be stored in an enclosed structure (i.e. garage or Home) on the Lot.

2.96. VENTS. All vents, of any type and size, for any structure require prior Committee approval. This may include roof vents, fireplace vents, radon vents, dryer vents, garage heater vents, etc. Vents must be painted to closely color match their location on the structure. Roof vents should be painted Black or Dark Brown.

2.97. WALLS. Any "wall" (including landscaping borders) shall require the approval of the Committee. Where required by the Committee, the Owner shall provide a detailed landscape plan, indicating the size and exposure of the retaining wall, at the time of submission of plans for approval. Owners are liable for their respective Lot drainage and shall not impair adjacent Lot drainage patterns.

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Retaining walls shall be constructed of Venture or Keystone concrete blocks or an equivalent concrete block that is the same or similar in color to the concrete blocks used to construct existing retaining walls in the Community. Cinder blocks are not permitted unless covered by other Committee-approved materials. Exposed concrete retaining walls are specifically forbidden.

2.98. WELLS. Not permitted.

2.99. WIND TURBINES. Not permitted.

2.100. WINDOWS. Committee approval is required before installing any security window bars, any additional windows on the Home exterior or replacing existing windows with windows of a different design, color or material. Submission of plans and specifications to the Committee shall include a description of the dimensions, materials and color. Mill finish on aluminum windows is specifically prohibited. Committee approval is not required if replacement windows are substantially the same design, color and material as those initially installed. Casement or bay type windows are not approved for the front of the house, but are allowed on the sides and back of the house.

2.100.1. **Window Tinting.** Committee approval is required. Only non-glare or non-reflective finishes will be given consideration.

2.100.2. **Maintenance.** Windows shall be promptly replaced or repaired when damaged. Window screens shall be maintained free from rips, tears, stains or other visible damage.

2.101. WINDOW COVERINGS. Windows shall be covered from the interior of the house with curtains, draperies, blinds or other coverings. Towels, bed sheets, newspapers, cardboard, reflective film coverings and flags are prohibited types of window coverings. All window coverings must be well-maintained and in good repair.

2.102. WINDOW WELL COVERINGS. Committee approval is required for window well coverings visible from the street. Generally, pre-fabricated window well coverings are acceptable. Loose materials (including plywood) used to cover window wells is prohibited.

2.103. WOOD STORAGE. Wood piles or storage areas shall not be located on any Lot as to be visible from a street, from the ground level of any other Lot or from the Common Area.

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3. PROCEDURES FOR COMMITTEE APPROVAL.

3.1. GENERAL. In a few cases, as indicated in the listing in the proceeding Section 2, a specific type of Proposed Improvement is not permitted under any circumstances. In other instances, a Proposed Improvement is deemed approved if such Proposed Improvement is constructed or installed in accordance with the provisions for approval slated herein. In all other cases, including Proposed Improvements not listed in Section 2 above, 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.

3.2. DRAWINGS OR PLANS. Article 4 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, length, color, materials and location of the Proposed improvement in the case of major Proposed Improvements, such as room additions, decks, or structural changes, it is recommended that an architect, engineer, and/or draftsman professionally prepare detailed plans of the Proposed Improvement. Simple drawings and descriptions may be sufficient for other improvements. Whether done by the Owner or professionally, the following provisions should be incorporated into the drawings or plans:

- 3.2.1. The drawing or plan should be done to scale, and should depict the property lines of the Lot and the outside boundary lines of the Home as located on the Lot Drawings made on a copy of the plot plan of a Lot are preferred.
- 3.2.2. Existing Improvements, in addition to the Home, should be shown on the drawing or plan, and identified or labeled. Such Existing improvements include driveways, walks, decks, trees, bushes, etc.
- 3.2.3. 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.
- 3.2.4. The plan or drawing and other materials should show the name of the Owner, the filing number, lot and/or block designation and address of the Owner's Lot, as well as a home telephone number, email address and a telephone number where the Owner can be reached during normal working hours.

3.3. SUBMISSION OF DRAWINGS AND PLANS. Copies of the Review Request Form and copies of the drawing or plan shall be submitted to the Committee. Plans should be submitted to the Committee in care of the District management company at the address listed on the Review Request Form. The Committee reserves the right to require a copy of any necessary permits issued by the City as a condition of approval.

3.4. REVIEW FEE. As of the date of these Design Guidelines, the Committee does not impose a fee for the review of plans. However, any costs incurred by the Committee for review of submittals shall be borne by the Owner and shall be payable prior to final approval. Any reasonable engineering consultant

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fees or other fees incurred by the Committee and/or District in reviewing any Proposed Improvement will be assessed to the Owner requesting approval of the Proposed Improvement.

3.5. 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 request will be deemed denied until all required information and materials have been submitted. The Committee will act upon all requests within thirty (30) days after receipt of the Review Request Form or thirty (30) days after receipt of all additional information and materials requested by the Committee, whichever is later, unless the time is extended by mutual agreement. All decisions of the Committee will be reduced to writing.

3.6. VOTE AND APPEAL. A majority vote of the Committee is required to approve a request for approval pursuant to Article 4 of the Declaration, unless the Committee has appointed a representative to act for it, in which case the decision of such representative shall control. In the event a representative acting on behalf of the Committee decides a request for approval, then any Owner shall have the right to an appeal of such decision to the full Committee, upon a request therefor submitted to the Committee within ten (10) days after such decision by the Committee's representative.

3.7. 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 (except landscaping which shall be completed as stated herein).

3.8. COMPLAINTS. All complaints should be in writing, and must be dated and signed by the person making such complaint. The Board and the Committee will take all reasonable action to preserve the anonymity of complaining Owners.

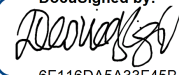
3.9. CONFLICT OF PROVISIONS. The foregoing Design Guidelines and procedures are supplementary to all of the terms and provisions of the Declaration, the Final Development Plan and the Final Plat and the terms of each of the foregoing shall remain in full force and effect. In the event of any actual or apparent conflict between these Design Guidelines and the Declaration, the Final Development Plan, or the Final Plat, the Declaration, the Final Development Plan, or the Final Plat, as applicable, shall prevail.

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4. AMENDMENT.

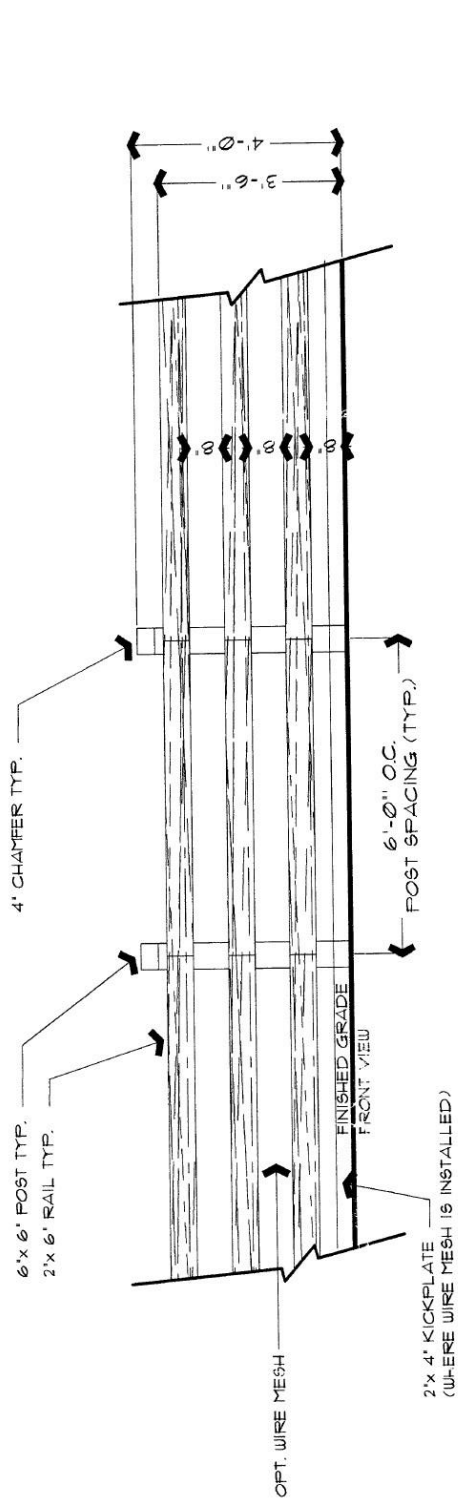
These Design Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, modified, reenacted, or otherwise changed by the Committee in its discretion, with the advice of the Board.

THESE DESIGN GUIDELINES WERE UNANIMOUSLY APPROVED AND ADOPTED BY THE BOARD on the 15th day of March 2021. As provided in the Declaration and as provided in this document, these Design Guidelines are subject to amendment by the Committee, with the advice of the Board.

DocuSigned by:

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Desiree Vigil, Board President

EXHIBIT A - Open Rail Fencing Guidelines

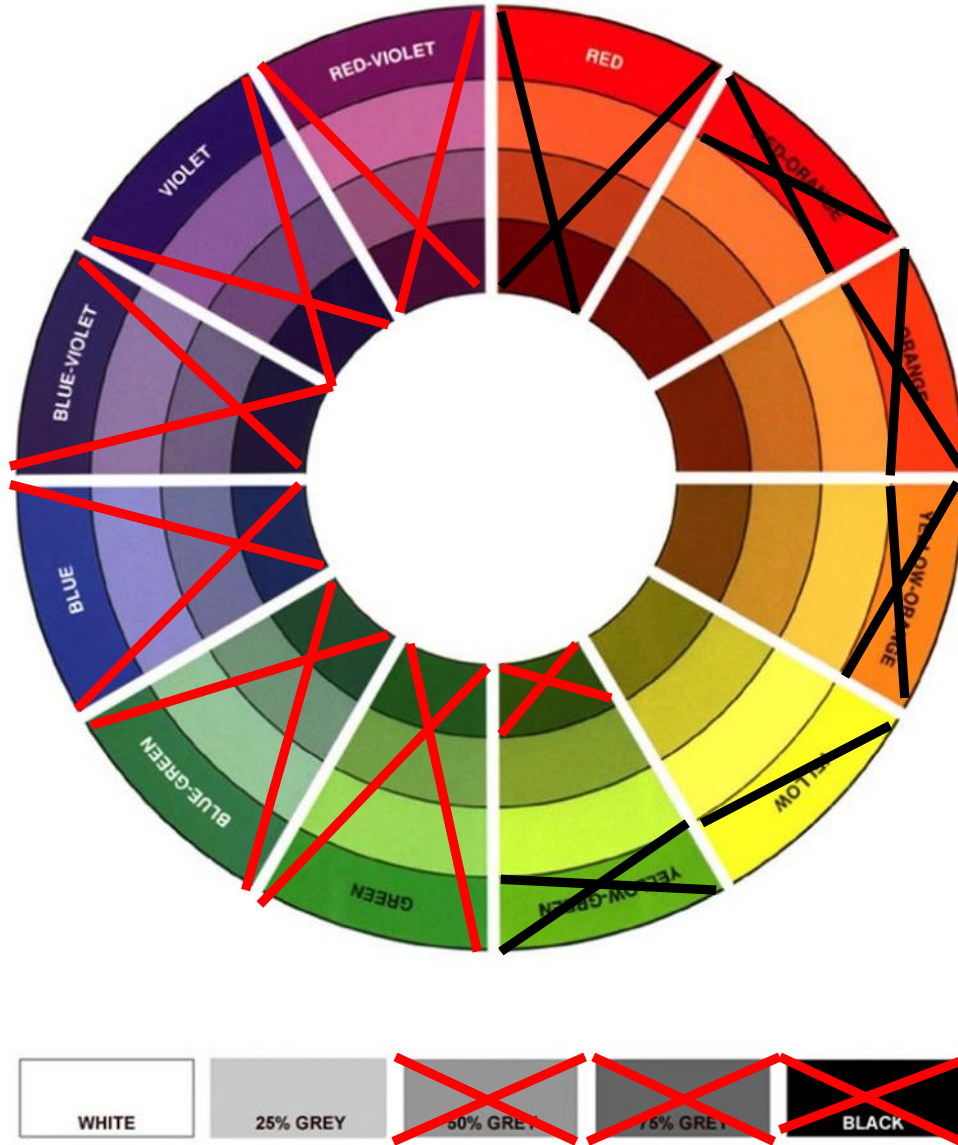


OPEN RAIL FENCE DETAIL

Scale: 1/2" = 1'-0"

Note: Open rail fencing design guidelines is included in the Dunes Park landscaping plan submitted to and approved by Commerce City on November 02, 2001. Thus, the open rail fencing design guidelines is not only subject to District enforcement but also City enforcement.

EXHIBIT B - Exterior Home Paint Colors



The color wheel chart above provides a general range of house colors allowed and disallowed within the community. (Color ranges that will general be disallowed are crossed out on the color wheel.)

See paint book on file at Sherwin Williams Store at 11455 Washington St Northglenn, CO 80233. The paint book is also accessible online at <http://www.sherwin-williams.com/homeowners/color/find-and-explore-colors/hoa/>

EXHIBIT C – Pre-Approved Fence Stain Colors

Without prior Committee or Board approval, owners may paint/stain their fences using any one of the following colors:

	Manufacturer	Stain or Finish Type	Color Name & Number	Color as appears on Redwood
1.	Behr	Solid	Terra Cotta SC-118	 Redwood
2.	Behr	Solid	Russet SC-117	 Redwood
3.	Behr	Solid	Woodbridge SC-116	 Redwood
4.	Behr	Semi-Transparent	Tugboat ST-141	 Redwood
5.	Behr	Semi-Transparent	Bright Tamra ST-140	 Redwood
6.	Behr	Transparent	Chocolate T-129	 Redwood
7.	Behr	Transparent	Cordovan Brown T-104	 Redwood

NOTE 1: Resolution of colors on this page is not likely a good representation of the actual color as it appears painted or stained on wood.

NOTE 2: Transparent colors are recommended for fences 0 to 5 years old; semi-transparent colors are recommended for fences 5 to 10 years old; solid colors are recommended for fences 10+ years old.