

RESOLUTION NO. 2023-08-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTOWN METROPOLITAN DISTRICT ADOPTING THE SECOND AMENDED DESIGN GUIDELINES OF WESTOWN METROPOLITAN DISTRICT

A. The Westown Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the County of Jefferson, Colorado.

B. The District operates pursuant to its Second Amended and Restated Service Plan, approved by the City Council of the City of Arvada, Colorado (“**City Council**”) on May 15, 2017, as the same may be amended and/or modified from time to time (the “**Service Plan**”).

C. Pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.”

D. Westown Townhomes, LLC and Westown Condominiums, LLC (collectively, the “**Developer**”) have caused to be recorded the Declaration of Covenants and Restrictions of Westown (the “**Declaration**”) in the real property records of Jefferson County, Colorado, on September 21, 2016, at Reception No. 2016095555, as the same may be amended and/or modified from time to time, applicable to the real property within the District (the “**Property**”).

E. Pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District’s Service Plan, a metropolitan district may provide covenant enforcement within the District if the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement and design review entity.

F. The Declaration provides that it is the intention of the Developer to empower the District to provide covenant enforcement services to the Property.

G. Pursuant to the Declaration, the District may promulgate, adopt, enact, modify, amend, and repeal design and landscape guidelines concerning and governing the Property and the enforcement of the Covenants.

H. The District desires to provide for the orderly and efficient enforcement of the Declaration by adopting design and landscape guidelines.

I. The District previously adopted Resolution No. 2019-01-01, Resolution of the Board of Directors of the Westown Metropolitan District Adopting the Design Guidelines of Westown Metropolitan District (the “**First Resolution**”), pursuant to which the District adopted the original Design Guidelines (the “**Original Design Guidelines**”), and Resolution No. 2022-08-01, Resolution of the Board of Directors of the Westown Metropolitan District Adopting the Amended Design Guidelines of Westown Metropolitan District (the “**Second Resolution**,” and together with the First Resolution, the “**Previous Resolutions**”), pursuant to which the District

adopted the amended Design Guidelines (the “**First Amended Design Guidelines**,” and together with the Original Design Guidelines, the “**Previous Design Guidelines**”).

J. The District has further amended the Design Guidelines (the “**Second Amended Design Guidelines**”) and wishes to adopt this Resolution to acknowledge and adopt the Second Amended Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WESTOWN METROPOLITAN DISTRICT:

1. The Board of Directors of the District hereby adopts the Second Amended Design Guidelines, as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

2. The Board of Directors declares that the Second Amended Design Guidelines are effective as of the date of this Resolution, and that the Previous Design Guidelines are hereby superseded in their entirety.


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

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2023-08-01]

APPROVED AND ADOPTED this 16th day of August, 2023.

WESTOWN METROPOLITAN DISTRICT

By: 
President

Attest:


Secretary or Assistant Secretary

EXHIBIT A

Second Amended Design Guidelines of Westown Metropolitan District

Westtown MD

Second Amended Design Guidelines

July 2023

Document History:

<u>Version</u>	<u>Date</u>	<u>Resolution No.</u>
Second Amended Design Guidelines	July 2023	2023-08-01
[First Amended] Design Guidelines	June 2022	2022-08-01
[Original] Design Guidelines	November 2018	2019-01-01

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PURPOSE

The goal of the Westown Metropolitan District (“District”) Design Guidelines (“Design Guidelines”) is to provide general design criteria and guidance for new and future homeowners for future enhancement of your home and visual compatibility to your home’s particular architectural style.

The Architectural Review Committee (“ARC”) has jurisdiction over design and aesthetic aspects of the Property. “Property” is defined as all real property covered by the Declaration of Covenants and Restrictions of Westown recorded on September 21, 2016, at Reception No. 2016095555 in the County of Jefferson real estate records (the “Covenants”) which includes your residential site. The ARC is a committee established and appointed by the Westown Metropolitan District Board of Directors (“Board”) as provided in Section 1.1 of the Covenants.

The ARC must approve all plans for any alteration to the exterior of any residential site (“Unit”) and for any improvements, including architectural or landscape modifications, before the modifications are made. The ARC also has the right to review modifications as they are constructed and give final approval of completed modifications.

In making 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 improvements over any such easements without the consent of the utility involved, and Owners will be responsible for any damage to utility lines.

The ARC may, from time to time, adopt additional standards and/or amend existing standards.

DESIGN REVIEW

The intent of the design review process, as described below, is to ensure that residential neighborhoods developed within the District contribute to the character and quality envisioned for the community.

In order ensure a consistent, high-quality, and integrated design throughout all phases of the project, the ARC will review and approve the proposed plans. A design review process has been established to review architecture and landscape design for conformance to these Design Guidelines.

The Design Guidelines are a supplement to all applicable government codes and regulations. The Design Guidelines are also supported by the following:

COVENANTS, CONDITIONS, AND RESTRICTIONS

The Design Guidelines do not supersede or modify any existing, applicable City of Arvada (“City”) and County of Jefferson (“County”) codes or regulations. Any requests for variances to the laws, regulations, or standards adopted by the City shall be submitted to the appropriate municipal agency according to established procedures following review and approval by the ARC. In the event of conflict or discrepancy, or for subjects not addressed herein, or as part of the Design Guidelines, the municipal regulations and codes take precedence, and the most restrictive standards shall apply. Provided that the ARC acts in good faith, neither ARC nor any representative thereof shall be liable to any applicant or to any other person for any damage, loss, or prejudice suffered or claimed on account of the review of plans, specifications, or materials. The review and delivery of a form of approval or disapproval is not to be considered an opinion as to:

1. whether the plans are defective;
2. whether the construction methods or performance of the work proposed therein is defective;
3. or whether the facts therein are correct or meet the City’s and County’s building codes.

SUBMITTAL REVIEW RESPONSE TIME

After a submittal is accepted as complete and meets all requirements, the ARC's approval or disapproval shall be given within a reasonable time, not to exceed forty-five (45) business days after submittal acceptance.

APPROVALS AND RESUBMITTALS

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

APPROVED: Plans meet all ARC requirements

APPROVED AS NOTED: Plans meet all or most of ARC requirements but may contain some minor items in need of clarification or correction. Plans will also be stamped **APPROVALS AS NOTED** if the ARC wants to inform the applicant of certain conditions that may affect other plan submittals or construction improvements. If minor corrections are required, revised plans must be resubmitted for ARC files.

ADDRESS COMMENTS AND RESUBMIT: Plans contain significant deviations or deficiencies from ARC requirements and must be corrected or clarified before ARC will grant approval. All resubmittals to ARC must be a complete plan set and must address each comment and any change to the plans in writing. Partial resubmittals, if corrected sheets only, will not be accepted.

DENIED: Plans contain items that are not allowable under ARC standards. **CONSTRUCTION SHOULD NOT BEGIN ON ANY IMPROVEMENTS UNTIL ALL SUBMITTALS FOR THAT TYPE OF IMPROVEMENT HAVE BEEN APPROVED.**

Any change to the plans after ARC approval including those not specifically requested by the ARC, must be resubmitted for approval with the changes noted. Upon receipt of submittal comments, the applicant may contact ARC to schedule a meeting to review and address such comments in further detail. The ARC will make periodic in-progress inspections of construction to ensure compliance with the approved construction documents, plans, and Design Guidelines.

SUBMITTAL REQUIREMENTS

See form attached hereto and incorporated herein.

RESIDENTIAL LANDSCAPING

1. Rock and mulch must use fabric weed barrier and edging
2. Per the City of Arvada regulations, grass and weeds cannot exceed twelve inches (12") in height
3. Underground manual or automatic irrigation system should not be installed within the 5 feet of the foundation

ARTIFICIAL TURF

- The synthetic Turf must be natural in appearance and integrated into the overall landscape design in a natural-looking manner so as not to appear as a sports field, and it shall not be installed directly adjacent to the property line
- Synthetic Turf shall be comprised of two yarn-type colors (green and tan) for a natural appearance. Putting greens may be of a single yarn type (green)
- The general appearance of synthetic Turf must be designed and installed in such a manner as to effectively simulate the appearance of a well-maintained lawn
- Uniformity must be maintained in all areas of synthetic Turf
- Pile height (length of blade) must be at least 1.75" and not greater than 3"
- Pile weight must be between 30 and 80 ounces per square yard
- Synthetic Turf must be protected by a minimum of an 8-year warranty, which must not be limited by the amount of usage, lawn elevation, or type of footwear that can be worn

- Synthetic Turf must allow for 10' of standing per hour minimum vertical drainage
- Synthetic Turf must be protected from UV damage
- Yarn denier must be a minimum of 5,700 for putting greens, 7,000 for yards
- Infill material must consist of sand, rubber, or a combination thereof
- Sand must be silt free
- Rubber with steel filaments is not permitted
- The primary backing system (material that holds the blades in place) must contain a minimum of 8 ounces per square yard. Its primary function is to filter water through the Turf
- The secondary backing system must contain a minimum of 8 ounces per square yard
- Felt backing is not permitted

INSTALLATION

- Turf must provide adequate drainage both horizontal and vertical
- Synthetic Turf **MUST NOT** be placed over existing grass. Dirt or adequate hardscape subgrade must be installed
- Subgrade should include a geotextile fabric that is placed between the existing, compacted soil and the porous aggregate material. The porous Aggregate layer is defined as a material that is compacted and will provide stabilization stability for the subgrade, and the material should be porous enough to allow for sufficient vertical drainage
- Turf must be adequately secured – no ripples or seams showing Synthetic Turf must be well-secured to prevent rippling or seams becoming visible
- The stitch rate should be a minimum of ten (10) stitches per 3"
- Tear Strength should be a minimum of 200 lb
- Turf edges must be finished and anchored with either concrete curb, treated wood header, trench drain, or an approved composite edging material. Turf needs to be securely fastened to prevent any lateral movement of the backing material
- Turf must have prepared base of "infill" as defined in the product specification section
- Turf must have a minimum 1-year installation/workmanship warranty
- Seaming must be completed using an approved tape and glue, or stitching
- Must include a geotextile fabric between existing compacted soil and porous aggregate material

MAINTENANCE STANDARDS

- The manufacturer and/ or installer shall provide detailed maintenance instructions for the synthetic Turf
- Removal of all organic material from the surface
- If you have animals that will use the Turf, please remove the animal feces on a frequent basis, and wash the area with a hose. Urine should flow through the Turf like rainwater
- A spray irrigation system is recommended if using synthetic Turf in yards containing pets, as this allows for regular washing of the material
- Color and appearance of Turf must remain as originally submitted to the ARC. If not, this constitutes and is subject to covenant violation. In more detail, the property would be considered in violation of landscape maintenance and possibly subject to levied fines until the matter is rectified

ACCESSORY STRUCTURES

Accessory structures are not allowed in the District per the approved platting.

Prohibited structures include:

1. Cabanas and pool houses;
2. Storage sheds;
3. Guest casitas;
4. RV tarps or shelters; and
5. Detached garages.

IMPROVEMENT GUIDELINES

ALLEY LIGHT ABOVE GARAGE

1. The builder installed a solar eye above the garage, which controls the Alley Light. The unit's Alley Light is required to be on during the evening hours for safety, security, and aesthetic enhancement
2. The minimum lumen-to-watt ratio is 40 lumens per watt, and the maximum lumen-watt is 80
3. Residents must maintain the solar eye, and Alley light to ensure they are in working order
4. If there is no solar eye connected to the Alley Light; the resident must turn it on during the evening hours
5. Wattage or "Watt" refers to the amount of energy a light bulb uses
6. Lumens is the measurement of the intensity of light

ADDRESS SIGNS

Each Unit must have a Unit number visible from the street, and all Unit number(s) replacing the original number(s) do not need ARC approval, provided such numbers do not exceed six (6) inches in height and the entire area of such numbers does not exceed one (1) square foot.

Acceptable materials shall include, but are not limited to, wood, ceramic tile, and metal.

BASKETBALL NETS AND RELATED EQUIPMENT

Basketball backboards and hoops that are free-standing and portable are **NOT** allowed in the public right-of-way, streets, sidewalks, parkways, or driveway aprons. These backboards must be stored away from view when not in active use.

CONCRETE WORK

Owner shall maintain the grading upon the Owner's Lot per the grading certificate, (including grading around the building foundation), at the slope and pitch fixed by the final grading thereof, including landscaping and maintenance of the slopes, to maintain the established drainage. It shall be the responsibility of the Owner to ensure that any improvement does not interfere with or obstruct the established drainage pattern over such Owner's Lot or any adjoining property or vary from the drainage pattern established by the Declarant.

DECKS, BALCONIES, AND PATIOS

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

EXTERIOR LIGHTING

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

FLAG POLES

The installation of flag poles shall be submitted to ARC review and approval. Flags of a standard size of 3' X 5' may be flown without the need for approval from the ARC. Any flag of a larger size must be approved by the ARC.

FENCES

1. Fences of chain link, poultry wire, aluminum, sheet metal, plastic, fiberglass, reeds, straw, bamboo, rope, and other similar, temporary, or commercial materials are not permitted
2. White vinyl three- (3-) or four- (4-) rail fencing is permitted
3. No double fences shall be allowed along the same property line
4. Fencing shall not exceed four (4) feet in height
5. Community perimeter fencing bordering District property shall not be replaced with any other type of fencing other than what was installed by the builder or by the District

MAXIMUM HEIGHT OF IMPROVEMENTS

The maximum building heights of all improvements shall be consistent with the City, County, or other governmental agency codes and regulations.

FRONT YARD ART AND BIRD FEEDERS

Must be submitted to the ARC for approval if exceeds a height of two feet (2') above the fence line. A photograph is required for submittal. Bird feeders that become a nuisance shall be removed.

OUTDOOR GRILLS

In accordance with the Arvada Fire Protection District Fire Code (IFC Section 308.1.4 with City of Arvada Amendments Section 42-51):

1. Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall **NOT** be operated on **combustible balconies or within 10 feet of any combustible materials or building structures.**
2. Briquets are **NOT** permitted
3. Pellet grills are permitted
4. Liquefied Petroleum Gas (LPG, or propane) tanks shall have a water capacity not greater than 20 pounds [nominal 1 pound (0.454kg) capacity].

Full Restrictions may be found at: <https://www.arvadafireco.gov/222/Grills-Fire-Places>

Please note, the requirements for townhomes and condominiums may be different.

PAINTING

Must submit for ARC review and approval

PATIO COVERS

Must be consistent with architectural style and character of the Unit.

Acceptable covers are:

1. Sloping roof element with roofing to match home;
2. Flat with parapet; or
3. Trellis cover.

Columns/posts shall be 6" x 6" minimum and shall be detailed in the same fashion as all other columns/posts on exterior elevations of the Unit. Patio covers shall not be anchored to a neighboring unit.

PET ENCLOSURES

1. Pet enclosures (i.e., dog runs, dog house) must be submitted to the ARC for review for all Units
2. Standard-type (pre-constructed) dog houses are allowed and do not require ARC approval as long as such dog houses do not exceed four feet (4') in height
3. Notwithstanding subsection above, pet enclosures should not be any higher than adjacent fencing
4. Chain link enclosures are **NOT** permitted
5. Wire mesh may be attached to existing white vinyl fencing to enclose small pets using the following criteria:
 - a) Wire mesh shall not exceed the height of the top horizontal rail of white vinyl fencing;
 - b) Wire mesh may extend below the bottom horizontal rail to ground level or shall terminate at the bottom of the bottom horizontal rail of white vinyl fencing;
 - c) Wire mesh shall be attached to the white vinyl fencing rails using secure fasteners located no more than twelve inches (12") on center, and fasteners shall be of a material coated to prevent rust and staining;
 - d) Wire mesh shall be installed on the Unit-owner yard side of the white vinyl fencing.
 - e) Wire mesh type should be 14-gauge galvanized welded wire fence with 2" x 4" openings. This is available through many manufacturers

PLAYGROUND AND RELATED EQUIPMENT

The ARC has determined that no permanent playground equipment, trampolines or trampoline fences, or similar sport equipment shall be installed in the front yard or side (if the lot is wide enough) of a Unit.

POOLS AND SPAS

Spas and similar water features, such as swimming pools and hot tubs, are **NOT** permitted.

SATELLITE DISHES AND ANTENNAS

All satellite dishes and direct broadcast satellite ("DBS"): Satellite dishes and antennas designed to receive DBS service that are one meter in diameter or less are permitted and do not require ARC approval.

Preferred placement is the roof or awning over the garage. It is suggested to not screw through roof shingles to prevent leaks.

Antennas larger than one meter, except TVBS: Antennas designed to receive over-the-air television broadcast signals are generally prohibited and must be submitted to the ARC to be reviewed on a case-by-case basis.

SCREEN DOORS AND STORM DOORS

1. Screen and storm doors on the front door entrances of Units shall be painted to match the color of the front door, and the style must conform to the architectural character of the Unit
2. Screen and storm door in to be installed without covering up the unit address
3. Screen and storm doors do not require ARC approval if these criteria are met

SIGN GUIDELINES

The ARC has determined the following regarding "Open House" signage on District property:

1. Only one (1) sign (in total) per corner on major streets (a "major street" is defined as any street outside of the various developments). At a four- (4-) way intersection, there are four (4) corners where only four (4) signs may be placed
2. Signs may not remain on District property overnight
3. Unit owners (or their agents) wishing to advertise an "Open House" for the purpose of selling their Units must use a standard sign with restrictions on type, location, and quantity;
4. Signs are to be no larger than 3' x 4'

Signs not complying with the Design Guidelines may be summarily removed by the District.

Political signs may be displayed no earlier than 45 days prior to an election and must be removed within 7 days of the election. No more than one sign per ballot measure may be maintained on the individual Lot.

SOLAR ENERGY SYSTEMS

Each Unit owner may install a solar energy system that serves the Unit provided that:

1. Design and location of the solar energy system meets the requirements of all applicable government ordinances;
2. Said design and location receive the prior written approval of the ARC.

Additionally:

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

TRASH AND RECYCLING CONTAINERS

1. Containers must be stored in the garage
2. Containers are permitted to be on the street the day before and the day of pickup
3. All such containers must be removed on the day of pickup subsequent to pickup and stored as designated above

TREES

1. The sidewalks are attached to the back of the curb. No trees lawns or street trees are allowed
2. Feeding, maintaining, and irrigating the trees and landscaping in the Unit owner's front yard is the Unit owner's responsibility
3. Each Unit owner shall maintain all landscaping and adjacent tree lawn areas in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds and debris, and replacement of landscaping

UNSIGHTLY ITEMS

1. All weeds, rubbish, debris, and unsightly materials or objects of any kind shall be regularly removed from the exterior of the Unit and shall not be allowed to accumulate thereon
2. All clotheslines, refuse containers, wood piles, storage areas, machinery, and equipment shall be prohibited upon any Unit site unless obscured from view of adjoining streets, other Unit sites, sidewalks, roadways, and District property
3. Clotheslines must be retracted when not in use

WINDOW AWNINGS

1. Awnings must be submitted to the ARC for approval
2. Awnings must be compatible with the color and design of the existing Unit, must be simple in design and color, and the size, location, and form must be in scale with the window
3. Awnings must be properly maintained to the satisfaction of the ARC and may not be kept when frayed, spilt, torn, or faded
4. Temporary sun shades attached to the outer wall of the Unit, patio cover, or gazebo, such as rolls of bamboo, fiberglass, or reed, must be submitted to ARC for approval prior to installation

MISCELLANEOUS ITEMS

GARAGE SALES

Due to the close proximity of the Units and garages individual garage sales have a negative impact on the Community. In an effort to mitigate the impact of garage sale traffic, no individual owner may host or conduct a garage sale.

The District shall host a community wide garage sale date on a day to be determined by the Board of Directors. All advertising and signage shall be installed and maintained by the District.

HOLIDAY DECORATIONS AND LIGHTING

Placement and display of holiday lighting is permitted without ARC approval subject to the following rules and regulations:

1. Seasonal decorations and lighting shall not be displayed more than thirty (30) days in advance of the particular holiday or celebration
2. Seasonal decorations and lighting shall be removed within fifteen (15) days following the particular holiday or celebration
3. Consideration of neighbors should be exercised when decorating for any occasion

COMMUNITY GUIDELINES

TENANT GUIDELINES

In addition to lease restrictions outlined in the Covenants:

1. The Unit owner shall have the responsibility to acquaint the Unit owner's tenants and guests with the governing documents
2. For the purpose of these Design Guidelines, a tenant shall be defined as anyone in possession of all or part of a Unit owner's Unit in exchange for any sort of consideration
3. The Unit owner, at all times, will be responsible for compliance by the Unit owner's tenant with all the provisions of the governing documents. Penalties and other actions to correct violations will be assessed against the Unit owner even though the violation was committed by tenant
4. The Unit owner solely is responsible for payment of the monthly Metropolitan District fees (water and trash/recycling services)
5. Disturbances and disorderly conduct by tenants can result in a fine or legal action against the Unit owner. Preserving the community and maintaining harmony among Unit owners are the ultimate goals of the District. If a tenant is violating these goals, the Unit owner is required to take the necessary measures to correct the situation

VEHICLE PARKING GUIDELINES

1. The garage shall be maintained by the homeowner in a condition as that it will accommodate at least the number of authorized vehicles for which it was designed
2. Mopeds and motor bikes are subject to vehicle code restrictions and are limited to travel on public streets (i.e., both driver and vehicles must be licensed if required by state and local laws).
3. No Unit owner shall conduct major repairs to any vehicle upon a Unit site unless performed in a closed garage.
4. Please mind the parking signs for parking restrictions throughout the District
5. Garage may not be altered for additional living space

Please refer to Section 3.7 of the Declaration, Covenants and Restrictions for additional information.

PET GUIDELINES

1. All dogs shall be kept on a leash and in control of the Unit owner when not in the Unit owner's yard
2. Each pet owner shall clean up all waste deposited by animals upon District property
3. Excessive dog barking or other animal noise may be deemed a nuisance