

WESTOWN METROPOLITAN DISTRICT

Design Guidelines

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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 Master 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.

BUILDER DESIGN GUIDELINES

Residential Architecture

A. 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.

B. PATIO COVERS

Must be consistent with architectural style and character of the Unit. Acceptable covers are:

- a. Sloping roof element with roofing to match home;
- b. Flat with parapet; or
- c. 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.

C. ACCESSORY STRUCTURES

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

Prohibited structures include:

- a. Cabanas and pool houses;
- b. Storage sheds;
- c. Guest casitas;
- d. RV tarps or shelters; and
- e. Detached garages.

D. RESIDENTIAL LANDSCAPING

- a. Rock and mulch must use fabric weed barrier and edging.
- b. Per the City of Arvada regulations, grass and weeds cannot exceed twelve inches (12”) in height.
- c. If no existing landscaping is in place upon the Unit owner’s acquisition of such Unit, the owner of each such Unit shall install landscaping on such Unit and on adjacent tree lawn areas within one hundred eighty (180) days after acquisition of the Unit or if the acquisition occurs between April 1 and July 31. If such acquisition does not occur between April 1 and July 31, landscaping must be installed by June 30 of the following year.
- d. Underground manual or automatic irrigation system should not be installed within the 5 feet of the foundation.

E. CONCRETE WORK

- a. 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.

PLAN SUBMITTAL PROCESS – BUILDER

A. 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 prior to submission to the Jefferson County Building Department and the City of Arvada Planning Commission. A design review process has been established to review architecture and

landscape design for conformance to the Design Guidelines.

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

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

B. 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 thirty (30) business days after submittal acceptance.

C. APPROVALS AND RESUBMITTALS

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

- a. **APPROVED:** Plans meet all ARC requirements
- b. **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.
- c. **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 plans set and must address each comment and any change to the plans in writing. Partial resubmittals, if corrected sheets only, will not be accepted.
- d. **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. The builder will provide the ARC with a written NOTICE OF CONSTRUCTION at least seven (7) calendar days prior to the start of construction.

C. SUBMITTAL REQUIREMENTS

See form attached hereto and incorporated herein.

UNIT OWNER DESIGN GUIDELINES

Specific Architecture and Landscape Guidelines

A. EXTERIOR LIGHTING

Exterior lighting must be of low-illumination level. Dark-sky lighting principles should be utilized. Exterior solar low-illumination lighting is pre-approved and does not require ARC approval. All other exterior lighting must have ARC approval.

The dark-sky principle is a way of using lighting (or the lack of lighting) to eliminate pockets of dark and light. Contrasting pockets of dark and light 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.

B. FENCES

- a. 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.
- b. Earth tone vinyl three- (3-) or four- (4-) rail fencing is permitted.
- c. Solid wood fencing that becomes discolored may be required to be stained the natural color of the wood.
- d. No double fences shall be allowed along the same property line.
- e. Fencing shall not exceed four (4) feet in height.
- f. 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.

C. PET ENCLOSURES

- a. Pet enclosures (i.e., dog runs) must be submitted to the ARC for review for all Units.

- b. 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.
- c. Notwithstanding subsection b above, pet enclosures should not be any higher than adjacent fencing.
- d. Chain link enclosures are not permitted.
- e. Wire mesh may be attached to existing cross buck fencing to enclose small pets using the following criteria:
 - i. Wire mesh shall not exceed the height of the top horizontal rail of cross buck fencing;
 - ii. Wire mesh may extend below the bottom horizontal rail to ground level or shall terminate at the bottom of the bottom horizontal rail of cross buck fencing;
 - iii. Wire mesh shall be attached to the cross buck 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 of cedar;
 - iv. Wire mesh shall be installed on the Unit-owner yard side of the cross buck fencing.
 - v. Wire mesh type should be 14-gauge galvanized welded wire fence with 2" x 4" openings. This is available through many manufacturers.

D. 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.

E. TREES

- a. The sidewalks are attached to the back of the curb. No trees lawns or street trees are allowed.
- b. Feeding, maintaining, and irrigating the trees and landscaping in the Unit owner's front yard is the Unit owner's responsibility. 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.

F. POOLS AND SPAS

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

G. SCREEN DOORS AND STORM DOORS

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. Screen and storm doors do not require ARC approval if these criteria are met.

H. WINDOW AWNINGS

Awnings must be submitted to the ARC for approval. 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. Awnings must be properly maintained to the satisfaction of the ARC and may not be kept when frayed, spilt, torn, or faded. 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.

I. 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.

J. 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.

K. SATELLITE DISHES AND ANTENNAS

- a. 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. It is suggested to not screw through roof shingles to prevent leaks.
- b. 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.

L. SOLAR ENERGY SYSTEMS

Each Unit owner may install a solar energy system that serves the Unit provided that: (a) the design and location of the solar energy system meets the requirements of all applicable government ordinances; and (b) said design and location receive the prior written approval of the ARC. Additionally:

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

PRE-APPROVED IMPROVEMENTS

A. 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.

B. 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.

C. 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. Permanent playground equipment, trampolines or trampoline fences, or similar sport equipment may be installed in the rear yard of a Unit without ARC approval if such equipment is at least five feet (5') from any property line and does not make use of neon color tones. Such equipment may not exceed ten feet (10') in height.

MISCELLANEOUS ITEMS

A. HOLIDAY DECORATIONS AND LIGHTING

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

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

B. UNSIGHTLY ITEMS

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. 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. Clotheslines must be retracted when not in use.

C. TRASH AND RECYCLING CONTAINERS

Trash and recycling containers must be stored in the garage or screened from view of roadways, common areas, and adjacent Units, or behind a fence. Trash and recycling containers are permitted to be on the street the day before and the day of pickup. All such containers must be removed on the day of pickup subsequent to pickup and stored as designated above.

D. 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) 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. 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 http://www.arvadafire.com/community_risk_reduction/education/grills_and_fireplaces.php Please note, the requirements for townhomes and condominiums may be different.

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

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 assessments.
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. 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).
2. No Unit owner shall conduct major repairs to any vehicle upon a Unit site unless performed in a closed garage.

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. Signs not complying with the Design Guidelines may be summarily removed by the District.
4. The following criteria apply to “Open House” signs:
 - a. 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;
 - b. Signs are to be no larger than 3’ x 4’.
5. Political Signs: 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.

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 Association 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.

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, sidewalks, property of other Unit owners, and each pet owner’s own Unit site.
3. Excessive dog barking or other animal noise may be deemed a nuisance.

FORMS

See following pages for actual forms.

Architectural Submittal Form