

**THE OVERLOOK SUBDIVISION AND
HUNTERS OVERLOOK METROPOLITAN
DISTRICT NOS 1-4**

Severance, Colorado

**RESIDENTIAL IMPROVEMENT GUIDELINES
AND
SITE RESTRICTIONS**

Drafted: February 9, 2018
(Guidelines subject to change without notice)

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These Residential Improvement Guidelines have been prepared by Severance Overlook Investments, LLC, ("Declarant") for the Hunters Overlook Metropolitan Districts Nos. 1-4 ("District"). The District and/or Declarant reserve the right to add to or modify these guidelines at its discretion. Please check with the District to be certain that you have the latest edition.

**RESIDENTIAL IMPROVEMENT GUIDELINES
AND SITE RESTRICTIONS FOR THE OVERLOOK SUBDIVISION AND HUNTERS
OVERLOOK METROPOLITAN DISTRICT NOS. 1-4.**

I. INTRODUCTION.

1.1. Basis for Guidelines – These Residential Improvement Guidelines and Site Restrictions ("Guidelines") are intended to assist homeowners in The Overlook Subdivision and Hunters Overlook Metropolitan District Nos. 1-4 ("Property") in the design of their homes, landscaping and other improvements to their property as provided for in the Declaration of Covenants, Conditions and Restrictions for The Overlook Subdivision Filing No. 1 and Hunters Overlook Metropolitan District Nos. 1-4 ("Declaration") and to list the rules and regulations adopted by the Declarant and/or District with respect to the use of residential sites. **THE DECLARATION FOR THE PROPERTY REQUIRES PRIOR APPROVAL FROM THE ARCHITECTURAL CONTROL COMMITTEE BEFORE ANY IMPROVEMENT TO PROPERTY.** "Improvement to Property" is very broadly defined in the Declaration. For instance, an "Improvement to Property" would include any landscaping or change of the grade of property; the construction or installation of any accessory building, patio, deck, pool or hot tub; the demolition or removal of any building or other improvement; and any change of exterior appearance of a building or other improvement. In order to assist homeowners, the Declaration authorizes the Architectural Review Committee ("ARC") to establish guidelines and to establish certain pre-approved designs for several types of improvements to property and to exempt certain improvements to property from the requirement for approval. This booklet contains the guidelines established by the ARC with respect to residential property. Throughout this document the term "Property" shall refer to a residential site.

1.2. Contents of Guidelines – In addition to the introductory material, these Guidelines contain: (a) a listing of specific types of improvements which homeowners might wish to make with specific information as to each of these types of improvements; (b) rules and regulations applicable to residential sites; and (c) a summary of procedures for obtaining approval from the ARC.

1.3. Architectural Control Committee – The ARC shall consist of not less than three (3) nor more than five (5) persons who are appointed by the Declarant and/or District.

1.4. Effect of Declaration – The Declaration and applicable Supplemental Declarations govern property within The Overlook Subdivision Filing No. 1 and Hunters Overlook Metropolitan District Nos. 1-4. Copies of the Declaration are delivered to new homebuyers when they purchase their homes and are available at any time at the ARC office. Each homeowner should review and become familiar with the Declaration. Nothing in these Guidelines can

supersede or alter the provisions or requirements of the Declaration and, if there is any conflict or inconsistency, the Declaration shall control. Provisions relating to the use of Property and to Improvements to Property are found in the Declaration.

1.5. Effect of Governmental and Other Regulations – Use of Property and Improvements to Property must comply with applicable building codes and other governmental requirements and regulations. Approval by the ARC will not constitute assurance that improvements comply with applicable governmental requirements or regulations or that a permit or approvals are not also required from applicable governmental bodies. For general information about municipality and governmental requirements, homeowners may contact the Town of Severance.

1.6. Utilities – In making improvements to Property, homeowners are responsible for locating all water, sewer, gas, electrical, cable television or other utility lines or easements. Homeowners should not construct any improvements over such easements without the consent of the utility involved and homeowners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting the following entities:

Know What's Below by dialing 811

1.7. Goal of Guidelines – Compliance with these Guidelines and the provisions of the Declaration will help preserve the inherent architectural and aesthetic quality of the Property. It is important that the Improvements to Property be made in harmony with and not detrimental to the rest of the community. A spirit of cooperation with the ARC and neighbors will go very far in creating an optimum environment which will benefit all homeowners. By following these Guidelines and obtaining approvals for Improvements to Property from the ARC, homeowners will be protecting their financial investment and will help insure that Improvements to Property are compatible with standards established for the Property. If questions arise as to the correct interpretation of any terms, phrases or language contained in these Guidelines, the ARC's interpretation thereof shall be final and binding.

II. SPECIFIC TYPES OF IMPROVEMENTS – GUIDELINES.

2.1. General – Following is a list of restrictions and improvement guidelines. **UNLESS OTHERWISE SPECIFICALLY STATED (SEE SECTION 2.10), DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE ARC AND THE WRITTEN APPROVAL OF THE ARC OBTAINED BEFORE THE IMPROVEMENTS ARE MADE.** In some cases, where it is specifically so noted, a homeowner may proceed with the improvement without advance approval by the ARC if the homeowner follows that stated guideline. In some cases, where specifically stated, a type of improvement is strictly prohibited. If an improvement is not listed below, ARC approval is required.

2.2. Accessory/Storage Buildings – Not permitted unless approved by the ARC. Must be screened from view of street and/or public view. Must not exceed eight feet (8') in height and be constructed with similar siding and roofing and match paint as property. Metal storage buildings are not permitted.

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2.3. **Additions and Expansions** – ARC approval required. Additions or expansions to homes will require submission of detailed plans and specifications. (See also Building Plans).

2.4. **Advertising** – See Signs.

2.5. **Air Conditioning Equipment** – ARC approval required regarding the type and placement of unit unless installed by original builder of home.

2.6. **Antennae** – Not permitted. No exterior radio antennae, television antennae or other antennae may be erected. Satellite dishes are allowed provided they do not exceed 24” in diameter and placement of such satellite is approved by ARC (See also Satellite).

2.7. **Basketball Backboards, Portable and Permanent Backboards**. ARC approval required for every type of basketball goal. Portable/freestanding and garage mounted backboards are not allowed. Permanently installed basketball pole may be approved if reasonably placed, and based upon, but not limited to, the following considerations: proximity of goal to the property lines, proximity to the neighbor’s living area, landscaping and vehicles.

2.8. **Boats** – See Vehicles.

2.9. **Building Code** – All residential structures must conform to the applicable building code of the Town of Severance. Approval by the ARC of plans does not imply compliance with any building code or ordinances. The owner and builder shall be required to obtain a building permit from the Town of Severance and obtain the necessary inspections for a certificate of occupancy.

2.10. **Building/Construction Plans** –

2.10.1. General – The review and plan submittal procedures have been written to accommodate the most complex conditions that may exist in the variety of construction activities. Procedures may be waived or certain listed submittal items may not be required by the ARC. The ARC should be consulted to determine what information will be required for review by the ARC.

2.10.2. Submittal Fee – A one time review fee of \$50 shall be paid to the District upon submission. “ARC Fee” and address must be noted on the check. Subject to the ARC’s sole discretion, a compliance fee may also be required. If required, such compliance fee shall be refunded after inspection of the completed improvement to verify compliance with approved plans.

2.10.3. Construction Drawings Submittal – All construction drawings should be approved by the ARC prior to submittal to the Town of Severance for a building permit and prior to any construction. A total of two sets of construction drawings are required to be submitted to the ARC. Each set should consist of:

- Size and square footage of finished space, including floor plans.

- Exterior elevations.
- Exterior colors and samples of exterior materials. All colors must conform to the requirements of the ARC. Colors must be earth tones. Blue or Peach shades are not acceptable. Shingles shall be a weathered wood or comparable color only as approved by the ARC.
- Such plans must demonstrate that the improvements are in harmony with the design of the surrounding structures.
- Plot layout with respect to topography, grade and drainage in relation to existing dwellings and drainage.

2.10.4. Landscaping Plans – Landscaping plans must be submitted prior to commencement of landscaping. Plans must depict fences, decks, sod, seeded areas, retaining walls, rock, railroad ties, sprinkler system plan, sizes and species of nursery material, and include a drainage and grading plan showing compliance with the municipality approved drainage and grading plan. Other requirements are as follows:

- Plans must include a timetable for starting and completing of the landscape and provided in writing within sixty (60) days following the receipt of the certificate of occupancy from the Town of Severance.
- The total yard will consist of irrigated sod, non-irrigated material such as rock mulch, bark or other non-irrigable materials approved by the ARC. Artificial turf is prohibited.
- Artificial turf or artificial plants, bare ground, and weed covered or weed infested surfaces are not considered xeriscape landscaping and are not allowed. In addition, mulched or graveled beds without landscape plant material or other areas without landscape plant material, and paved areas not required for walkways, patios or parking areas, are not considered xeriscape landscaping and may be limited or prohibited by the ARC.
- Landscaping must be complete three hundred sixty five (365) days following approval of landscape plans.
- The Town of Severance may have requirements for landscaping and types of trees acceptable for the front and back yards of individual lots. The Town of Severance should be consulted prior to ensure compliance with any applicable ordinances.
- Must be connected to the Non-Potable Water System that is operated by the District and subject to the Water Rules and Regulations as adopted by the District.

2.10.5. Review and ARC Action – Following the review, the ARC shall:

- Approve or disapprove the plans as required by the Declaration, in writing, on the builder's or owner's set of plans and specifications.
- Failure of the ARC or designated representative to approve or disapprove plans and specifications within thirty (30) days of submittal requires a 2nd submittal. If ARC fails to respond within thirty (30) days after the 2nd

submittal, such 2nd submittal shall be interpreted as approval subject to compliance with the Covenants. Deemed approval shall only apply when matters specifically and sufficiently described in plans and specifications are submitted to, and received by, the ARC and are in full compliance with the Declaration and Guidelines.

- All buildings and improvements shall follow the letter of the plans and specifications submitted and approved by the ARC. Any changes to approved plans will require the re-submission and approval by the ARC.
- ARC may formulate or adopt guidelines for the assistance or clarifications of the items set forth in the Declaration.
- Approval for one Property does not imply approval for any other Property without the submission of plans and specifications and written approval from the ARC.

2.11. Campers – See Vehicles.

2.12. Car Covers or Carports – Not permitted.

2.13. Clothes Lines – Clotheslines are not allowed on any Lot except as otherwise provided by law or ordinance. Any allowed clotheslines must be retractable and remain retracted when not in use.

2.14. Colors – All colors and color combinations must be approved the ARC. Repainting when existing color is changed shall require approval by the ARC. All projections including, but not limited to, chimney ties, vents, gutters, down spouts, utility boxes, porches, railings and exterior stairways shall closely match the permanent color of the surface from which they project or shall be of an approved trim color. Duplicate color schemes shall not be allowed on adjacent lots, or lots across the street from each other.

2.15. Commercial and/or Oversized Vehicles – A commercial vehicle is defined as, but not limited to, a vehicle that has a business name or logo and/or has equipment attached to or is used for the purpose of providing services to an individual or corporation. An oversized vehicle is defined as a vehicle that cannot be parked within the garage. **All commercial vehicles must be parked in the garage.** Oversized vehicles or ungarageable commercial vehicles must have ARC approval to be parked in the driveway or on the street. Such approval will be based upon, but not limited to, no more than one vehicle, effect on curb appeal, effect on safety, and effect on street traffic. No vehicle, whether commercial or oversized, shall be parked in such a manner that it blocks the sidewalk. (See also Vehicles.)

2.16. Decks – ARC approval required. Must be wood or other material similar to material of the residence and must be treated or painted a similar or in what is generally accepted as a complementary color to the residence. Must be installed as an integral part of the residence and patio area. Must be located so as not to obstruct or greatly diminish the view, or create an unreasonable level of noise for adjacent property owners.

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2.17. Dog Houses, Runs and Pet Enclosures – ARC approval required. Must be screened from view of street and/or public view.

2.18. Drainage – ARC approval required for any changes affecting drainage. There can be no interference or modification of the final governmental approved drainage and grading plan over any property. When landscaping is installed, it is very important to ensure that water drains away from the foundation and driveways of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks, and driveways. Water should flow over walkways, sidewalks or driveways, into the street gutters. The ARC may require a report from a drainage engineer as part of the landscaping or improvement plan approval.

2.19. Driveways – There shall be no expansion or extension of driveways without prior ARC approval.

2.20. Elevation Treatments – ARC approval required. Architectural design shall incorporate a consistent level of architectural interest in all elevations.

2.21. Entrances (Front) – Astro-turf is not allowed on walks, front steps or decks. Storm/Screen doors may be installed as long as color of such door compliments existing paint colors.

2.22. Evaporative Coolers – Not allowed. (See also Air Conditioning Equipment.)

2.23. Exterior Lighting – See Lights and Lighting.

2.24. Fences – ARC approval required. The following are general guidelines regarding fence specifications:

- Fencing location, style and material must match subdivision requirements.
- Fence must be setback a minimum of 5' from the front corners of house and garage.
- Fence must be installed per setback requirements as set by Town of Severance. Please note that it is the homeowner's responsibility to maintain this area between the fence and the street curb. The homeowner accepts the responsibilities assumed by placing a fence in an easement.
- All fencing shall be maintained in good repair and shall be of the size, color and material as approved by the ARC.
- No chain link fences shall be allowed.
- General Fencing:
6' white vinyl fencing may be installed by homeowners on all property lines that are shared with another lot owner. Certain locations require 3-rail split rail fencing (48" height) pursuant to the Fencing Exhibit which is attached hereto and incorporated herein by reference indicating property lines that require white vinyl 3-rail fencing. Welded wire may be installed inside the split-rail fencing for containment.

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2.25. **Fireplaces** – Gas fireplaces must either be housed within the exterior wall or, if protruding to the outside, they must be housed and vented in chase/chimney-like structure to the roof and finished with a decorative top in keeping with the architecture of the home.

2.26. **Flagpoles** – ARC approval required. Approval based upon the location and size of flag/flagpole and proximity to property lines, neighbors' living area, landscaping and vehicles.

2.27. **Gardens** –ARC approval required. (See also Landscaping.)

2.28. **Hot Tubs** – ARC approval required. Must be an integral part of the deck or patio area and of the rear or side yard landscaping. Must be installed in such a way that is not immediately visible to adjacent property owners and does not create an unreasonable level of noise for adjacent property owners. Top of the hot tub or enclosure shall not extend above fence height.

2.29. **Household Pets** – No animals, livestock, poultry, venomous reptiles or bees of any kind shall be raised, bred, kept or boarded upon any Lot, except that of dogs, cats or other household pets as the same may be defined and determined by the Governing Board may be kept on any portion of the Property, provided the same are not kept, bred or maintained for any commercial purposes. The Governing Board may, in its sole discretion, limit the number, size and weight of household pets which may be kept upon any Lot. However, each Owner shall have the right to keep a maximum of two (2) household pets on any Lot. Household pets shall be subject to any Rules or Regulations adopted by the Governing Board and all governmental ordinances or laws applicable. Each owner of a pet shall be responsible for cleanup and removal of such pet's excrement upon the Common Elements and any Lot.

2.30. **Junk Vehicles** – See Vehicles.

2.31. **Lattice Work** – ARC approval required.

2.32. **Lights and Lighting** – Conventional style with illumination patterns that do not cause a nuisance to neighboring properties.

2.33. **Overhangs (Cloth or Canvas)** – ARC approval required. The color must be the same color as, or generally recognized as, a complementary color to the exterior of the residence. The covering may be used over a patio only. Aluminum or fiberglass awnings are not allowed.

2.34. **Painting** – All houses shall be kept well painted in the color approved with original plans or, if changed, as approved by the ARC. Changes in paint colors require ARC approval. (See also Colors.)

2.35. **Patio Covers** – ARC approval required. Must be constructed of wood or material generally recognized as complementary to the home and similar or generally recognized as complementary in color to the colors of the home.

2.36. **Patios (Enclosed)** – See Additions and Expansions.

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2.37. **Patios (Open)** – ARC approval required. Patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. Must be similar to and generally accepted as a complimentary color and design of the residence. Must be located so as not to block any existing drainage pattern on lot.

2.38. **Paving** – ARC approval required regardless of whether for walks, driveways, porches, patio areas or other purposes and regardless of whether concrete, asphalt, brick, flagstone, stepping stones, pre-cast patterned or exposed aggregate concrete pavers are used as paving material. Must be located so as not to block any existing drainage pattern on the lot.

2.39. **Playhouses/Play Equipment/Sports Equipment** – ARC approval required. General guidelines for play houses or swing set to be less than eight feet (8') in height at the peak and less than 120 square feet of interior floor space. Basic design, materials and colors must match the residence, and must be incorporated into, and at least partially screened by the landscape features. See also Section 2.7, Basketball Backboards, Portable and Permanent Backboards.

2.40. **Pools** – ARC approval required.

2.41. **Radio Antennae** – Not allowed.

2.42. **Roofs** – ARC approval required. All roofs shall be, at a minimum, at least a 25-year warranty composition shingled roof. Weathered wood or comparable color only as approved by the ARC.

2.43. **Rooftop Equipment** – Not allowed.

2.44. **Satellite Dishes** – Microwave and/or satellite television dishes are permitted as long as they are twenty four inches (24") in diameter or smaller and must be screened from view with a privacy wall or fence approved by the ARC.

2.45. **Sauna** – See Additions and Expansions.

2.46. **Seasonal Decorations** – Permitted with the following qualifications and conditions:

2.46.1. Christmas decorations shall not be displayed prior to Thanksgiving and must be removed by January 10th of the following year.

2.46.2. No roof figures, animated figures or audible music shall be allowed.

2.46.3. Other holiday decorations should be removed within two (2) weeks of celebrated holiday.

2.46.4. No decorations shall be displayed in such a manner as to be offensive to the neighborhood or create a public nuisance.

2.46.5. Up to three lawn figures are allowed, appropriate for the recognized holiday and subject to above restrictions.

2.47. **Setbacks** – The location and setback of each building on any lot shall be determined in the sole discretion of the ARC. Location restrictions and limitations shall be consistent with all

applicable governmental zoning ordinances, subdivision regulations and building codes. The ARC may, in its sole discretion, require and enforce varied, less or more restrictive setback and location requirements with respect to the various lots located in the Property. No portion of any improvement or building on a lot may encroach upon another lot.

2.48. Siding (Exterior Façade) – Cement composite siding. Prefinished or painted minimum or equivalent. 20% pigment and 8” maximum reveal. Vertical siding only as accent or complimentary to specific styles.

2.49. Signs – No sign shall be located on any lot except reasonably sized signs offering the lot for sale and except builder or supplier signage during the period of construction, or unless approval for such other sign or signs is obtained in writing from the ARC, said ARC reserving the right to disapprove all such requests for signs except those described above. Builder signs must be removed from Lot within two (2) weeks from date of closing.

2.50. Solar Energy Devices – ARC approval required for all passive and active solar systems. Shall be designed to appear as an integral part of the roof. No exterior plumbing may be visible.

2.51. Spas – See Hot Tubs.

2.52. Square Footage – No dwelling shall be erected, altered or permitted to remain on any lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out buildings, and based on exterior measurements, is not less than:

2.52.1. 1,200 square feet for a one-story dwelling.

2.52.2. 1,500 square feet for a multi-level dwelling.

2.53. Statues – Statues and lawn ornaments are not allowed in the front yards. Statues in rear or side yards shall not exceed five feet (5’) in height.

2.54. Swamp Coolers – Not allowed.

2.55. Swing Sets – See Play and Sports Equipment.

2.56. Television Antennae – Not allowed.

2.57. Temporary Structures – Not allowed.

2.58. Temporary Vehicles – No cars which are being repaired, restored or otherwise being worked on may be kept on any lot unless in an enclosed garage.

2.59. Trailers – See Vehicles.

2.60. Trees – See Landscaping Plans.

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2.61. Trash Containers – No garbage, refuse, rubbish or cuttings shall be placed on any street, Lot or driveway unless placed in a container suitably located solely for the purpose of trash pickup. All equipment and/or containers for the storage or disposal of such materials shall be kept in a clean and sanitary condition and stored out of public view except on trash service days.

2.62. Vehicles – No lot shall be used as a parking or storage area for vehicles or materials of any kind, other than personally owned automobiles of the owner.

2.62.1. No campers, trailers, motor homes, buses, tractor/trailers, RVs or boats shall be stored or parked on the Property in excess of three (3) consecutive days, except if stored in an enclosed garage or within fully screened, fenced areas (for which the vehicle, boat or camper in question shall not exceed the height of the fence), as approved by the ARC. In addition, no trucks, mobile homes, commercial vehicles, unused vehicles, snowmobiles, all terrain vehicles or motorcycles shall be kept, placed, stored or maintained upon Lot in such a manner that such vehicle is visible from neighboring properties or any road. For purposes of this section, a three fourths (3/4) ton or smaller vehicle, commonly known as a “pick-up truck” shall not be deemed a “truck” or “commercial vehicle”.

2.62.2. No motor vehicles of any kind, including cars, trucks, trailers, motorcycles, or the like, may be stored, junked, or otherwise maintained anywhere on the lot or any other portion of the Property in any idle or unworkable condition.

2.62.3. No motor vehicle or machine will be overhauled or rebuilt on any portion of the Lot, unless entirely enclosed in a garage or other improvement approved by the ARC, in its sole discretion.

2.62.4. Except as otherwise provided, only those vehicles and machines in good running condition, which are currently licensed and registered are permitted on any portion of the Property.

2.62.5. No owner shall regularly park on or about a Lot (or on the streets adjoining any Lot) for more than three (3) consecutive days more than one (1) automobile, non-commercial pickup truck or other vehicle; it being the intent of this provision that owners shall not regularly park more than one personal passenger vehicle outside the garage on such owner’s Lot.

2.63. Vents – ARC approval required for all exhaust vents including but not limited to dryer, cook-tops or range-hoods, gas fireplaces and plumbing vents must comply with ARC approved standards upon review on a case by case basis.

2.64. Walls (Retaining) – ARC approval required.

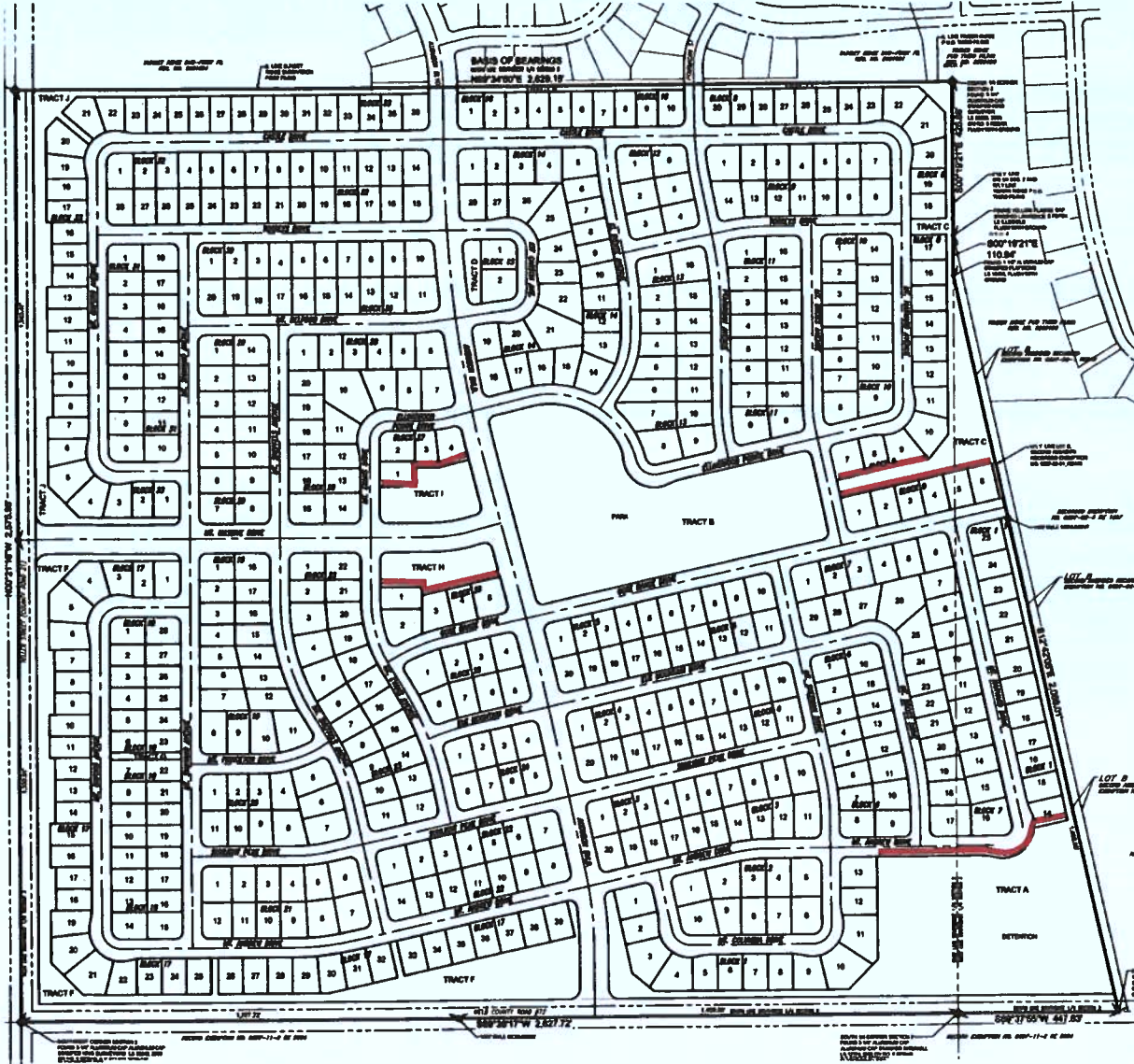
2.65. Wells – Not permitted upon any Lot.

FENCING EXHIBIT

THE OVERLOOK SUBDIVISION FILING NO. 1

PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF SEVERANCE, WELD COUNTY, STATE OF COLORADO

SHEET 2 OF 11



— 3-rail vinyl fencing required (48" height).

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