

TIMBERS AT THE PINERY

Filing #22 HOA

ARCHITECTURAL POLICIES AND DESIGN GUIDELINES

*Welcome to the Timbers neighborhood,
a covenant-protected community.*

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INTRODUCTION

The Homeowners Association Architectural Review Committee (ARC) of the Timbers at the Pinery Filing #22 has prepared this booklet to assist residents with architectural enforcement policies and procedures, and other rules of the community.

The Architectural Policies and Design Guidelines (hereinafter referred to as the “Design Guidelines” or simply the “Guidelines”) are the reasonable and historic interpretation of the covenants referring to architectural control, exterior maintenance, and common scheme restrictions that have been prepared to ensure that original design and architectural integrity (as built by the original developer) are maintained.

We hope you will find this booklet helpful, and will refer to it when you have a question, or want to submit a request for architectural approval.

WE ENCOURAGE YOU TO REVIEW YOUR DOCUMENTS:

- DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
- ARTICLES OF INCORPORATION
- BYLAWS

We look forward to having you take an active part in the Home Owners Association and enjoying your residence in the Timbers Filing #22. We appreciate your cooperation and compliance with these guidelines. Again, we encourage you to call should you have questions, concerns, or need further information.

Sincerely,

The Timbers at the Pinery HOA and ARC for Filing #22.

PROPERTY MANAGEMENT COMPANY

Suggestions, concerns, or questions on items that may need clarification should be directed to the property management company. The property management company will forward questions or issues to the Executive Board and/or ARC if they are unable to answer the questions directly. The address and phone number of the current management company is:

Morris Property Management
PO Box 1150
Parker, CO 80134
Phone: 303-840-8100
Fax: 303-841-9762
Cell phone: 303-809-3504 (for emergencies only)

TIMBERS FILING #22 HOA HOMEOWNERS ASSOCIATION DEFINITION

TIMBERS FILING #22 HOA Homeowners Association, Inc. (hereinafter referred to as “TIMBERS FILING #22 HOA” or “the Association”) is a not-for-profit Colorado corporation formed for the purpose of maintaining certain properties that benefit members of the Association.

Anyone who purchases a home in TIMBERS FILING #22 HOA Filing 22 (or other filings of TIMBERS FILING #22 HOA which may lawfully be created and annexed in the future) are mandatory members of the Association and agree to abide by the Covenants, Conditions, and Restrictions of the Association.

The Association is governed by an Executive Board of three or more persons (currently five), who have the responsibility to manage the financial affairs of the Association, appoint committees, hire contractors and/or a property management firm, and enforce covenants, rules, and regulations.

The previously referenced documents govern the Executive Board. They describe the duties and powers given to the Board and to the members and could be more restrictive than in this summary.

In the event of any conflict between information supplied in these guidelines and in the governing documents, the governing documents will apply. For questions or concerns, please contact the management company BEFORE any action is taken.

ARCHITECTURAL POLICIES

Architectural Review Committee

The Architectural Review Committee (ARC) shall consist of three (3) or more persons appointed by the Executive Board. The power to appoint, as provided in the Covenants, shall include without limitation the power to: constitute the initial membership of the ARC; appoint member(s) to the ARC on the occurrence of any vacancy therein for whatever reason; and remove any member of the ARC, with or without cause, at any time, and appoint the successor thereof. Each such appointment may be made for such term(s) of office, subject to the aforesaid power of removal, as may be set from time to time in the discretion of the appointer. The goal of the ARC is to have as many of the homeowners as committee members as possible so that a good representation of the overall majority of the neighborhood is represented on the existing covenants and any proposed changes to them.

The ARC shall review and approve or disapprove plans for improvements as described in the Declaration of Covenants, Conditions, and Restrictions of The Timbers Filing #22 HOA and in these Guidelines. **It should be noted that the covenants for filing #22 are pre-existent and that the following guidelines are simply an extension of the EXPLANATION of those covenants to assist each homeowner when a desire or need arises.** If new topics arise that are not covered by any of the existing covenants then the ARC will work closely with the homeowners and, where necessary, the Master ARC, to establish a new covenant that meets the spirit of the original intent of the covenant-protected community of the Timbers! Any new covenant or significant modification to the intent of an existing covenant requires approval of both the HOA Board and the Master ARC.

Any improvements installed without ARC approval may be required to be removed at the homeowner's expense or may be removed by the Filing # 22 HOA and the cost charged to the homeowner.

Basis and Intent of Design Guidelines

The Design Guidelines are intended to assist homeowners in the HOA in making improvements to their property and to list the rules and regulations adopted for the community for meeting the covenants of Filing #22.

THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FILING # 22 HOA REQUIRE **PRIOR APPROVAL** FROM THE ARCHITECTURAL REVIEW COMMITTEE BEFORE ANY "IMPROVEMENTS" ARE STARTED!

Improvements are very broadly defined in the Declaration. This booklet contains guidelines and "pre-approved" designs for several types of improvements for improvements and/or changes to their property and home.

Improvements (As Broadly Defined in the Covenants)

All exterior improvements, structures, and any appurtenances thereto or components thereof of every type or kind, and all landscaping features, including, but not limited to: buildings, outbuildings, swimming pools, tennis courts, clubhouse, parking area(s), patios, patio covers, awnings, solar collectors, painting or other finish materials on any visible structure, additions, walkways, sprinkler systems, garages, carports, driveways, fences, screening walls, retaining walls, stairs, decks, landscaping, water features, hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, exterior light fixtures, poles, basketball hoops, signs, exterior tanks, and exterior air conditioning, cooling, heating and water softening equipment.

Improvements in Common Areas

Common areas improvements can only be made by the Metro District. . Individual homeowners may **not** install improvements in common areas. Contact the Metro District for any exceptions.

A spirit of cooperation between the Architectural Review Committee and the members of the Association will go far in creating a harmonious environment to benefit all homeowners. This will help to protect the homeowner's financial investment, and insure that improvements are compatible with established standards. If questions arise as to the interpretation of terms, phrases, or language contained in these guidelines, the ARC interpretation shall prevail.

All reviews are made on an individual basis. ***It is important to note that there may be cases where an improvement that is approved on one property may not be approved on another, due to varying circumstances.***

Policies and Procedures for Submittal of Requests for Approval

Method of Delivery:

Requests for approval should be mailed or faxed to the Management Company. Forms are available through the Management Company for your use in submitting requests.

Information Retention:

Information submitted to the ARC will be retained in the permanent files of the Association and will not be returned to the submitter.

Description of Request:

Plans and specifications should be detailed and described accurately as to colors, materials, dimensions, and placement on the property. All items requiring ARC approval shall meet the following guidelines for submittal:

Exhibits:

The ARC requires clear and concise information from which to make reasonable decisions. This information may be in the form of detailed descriptions, surveys, plans, drawings, construction plans, photographs, color chips, material samples, and/or other information such as height, length, kind, shape, location, or nature that is appropriate for the submittal. The ARC reserves the right to request additional information and may postpone action until all necessary materials have

been submitted. The ARC will contact the homeowner in writing, or by phone, in order to request additional information.

Submittal;

A copy of any exhibits should be submitted, along with the Request Form, to the Management Company in the introduction of these Guidelines. Homeowners should keep a copy of the request and any exhibits for their personal files, as the submittal copies will not be returned. Homeowners must include your name, telephone number and address on the submittal form.

Review Fee

Although the Master ARC may collect a fee by authority of the Declaration of Covenants, Conditions, and Restrictions, no such fee is presently being charged for those items governed by the subsidiary ARC of Filing #22.

ARC Approval

After receipt of all materials required, the ARC has a maximum of 30 calendar days in which to review the submittal from the homeowner, and depending on the request, forward to the Master for concurrence and/or approval and then respond to the request, unless such time is extended by written notification. The decision of the ARC will be in writing and will be sent by mail to the address on the plans submitted. Every attempt will be made by the committee to reply as timely as possible.

Responses will fall into one of four categories: approval, approval with conditions, request for additional information, or denial. If the decision is to disapprove or to impose a condition on the proposed improvement, the reasons shall be so stated.

***Appeal Procedure for Denial of Requests:**

If the Homeowner's request for those items governed by the ARC is DENIED*, the homeowner may request an informal meeting with the ARC to better understand the reason for denial and/or to better communicate the request to the ARC if there is reason to believe confusion concerning the request may exist. The ARC will schedule a meeting or phone call to include at least 3 ARC members and the Homeowner(s) as soon as a suitable common time can be found. All attempts will be made to meet within 10 calendar days of the Homeowner's request. A final decision on the homeowner's request as reviewed in this meeting will be made at this same meeting. To request an informal hearing the Homeowner should call the management company, request such a hearing and advise the management company of their general availability for the potential meeting or call. The current chairperson of the ARC will be responsible for scheduling and conducting the informal meeting.

If after the above meeting, the request is still DENIED, the Homeowner Applicant may appeal the decision of the ARC to the Executive Board within 30 days of the Applicant's receipt of disapproval or unsatisfactory conditional approval, by sending a written request for appeal to the Management Company.

The Executive Board will review the appeal at the next regularly scheduled HOA Board Meeting at the end of normal business for that Board meeting, or, within 45 calendar days, whichever is

sooner. In the event of extenuating circumstances where timeliness is an issue for either party, the HOA Executive Board may elect to schedule an emergency Board Meeting to hold a hearing regarding the appeal request. The Property Management Company will coordinate with the Board and the Homeowner to schedule the hearing and the Homeowner will be notified in advance as to the time and place of their hearing by the Management Company. Upon review of the appeal, the Executive Board will make a final disposition on the Homeowner's request either at the end of the hearing or by a specified date after the hearing. There is no further appeal should the request be denied by the Filing #22 HOA's Executive Board.

Completion of Work.

After receiving approval of an improvement, the Applicant should pursue timely and diligent completion of the work.

Once an improvement has been started, it must be completed within the time frame specified by the Master ARC or within 12 months of their approval, whichever is less, AND within six months from approval for items subject to approval by the HOA ARC of Filing #22. Extensions must be approved by the respective ARC's in writing.

*** Note: there is no appeal procedure for those items governed by the Master ARC.**

ENFORCEMENT POLICY

For use with any violations of the covenants within Filing #22

PLEASE NOTE: all letters to homeowners of a violation or violations are approved by the ARC prior to being sent by the Management Company. Any violation that escalates to a Final Warning and/or monetary fine is pre-approved by the HOA Executive Board. The Filing #22 HOA Executive Board has the right to assess fines for violations of covenants, rules, or regulations. The general violation policy is as follows:

First Written Notification.

Homeowner receives a written notification of the nature of the violation or violations - no monetary fine. Homeowner should notify the Management Company if they have any questions and /or of any extenuating circumstances concerning the violation or violations.

Second Written Warning.

14 Days after First Notification or immediately after missing any prior arrangement with the ARC, the homeowner is sent a 2nd notification/warning. It is highly recommended that the homeowner contact the Management Company or the ARC Chairperson to discuss the violation and potential remedies to prevent any further escalating actions.

Third and Final Written Warning:

If any violation is not resolved after 10 days from 2ND Written Warning notification a Third and Final written notification of the same unresolved violation includes a \$200.00 fine. If a violation continues for 10 days after the **Third and Final warning** subsequent and recurring actions regarding the same unresolved violation or violations may result in additional monetary fines, property liens, and/or other legal action. All costs associated with enforcement of policies are assessed against the property.

In the event of successful legal action, perfection of liens, and/or litigation that has been commenced by the Association, *all costs associated with the action shall also be assessed against the property.*

Immediate Enforcements.

Infractions involving recreational vehicle parking, or other violations of an unusual nature (in the sole discretion of the Executive Board or ARC), are subject to immediate enforcement without additional written notice.

Appeal Procedure (for Notices Of Violations)

If the Homeowner feels that a written notice of any violation is incorrect or unreasonable they may appeal the written warning by requesting a hearing by the Executive Board to discuss the violation notice and the circumstances concerning it.

The Homeowner Applicant may appeal the decision of the ARC to the Executive Board within 14 days of the Applicant's receipt of a written notification of a violation of the Timber's covenants by sending a written request for appeal to the Management Company. The next step of the Written Warnings will be temporarily suspended during the appeal process.

The Executive Board will review the appeal at the next regularly scheduled HOA Board Meeting at the end of normal business for that Board Meeting, or, within 21 calendar days, whichever is sooner. In the event of extenuating circumstances where timeliness is an issue for either party, the HOA Executive Board may elect to schedule an emergency Board Meeting for the Hearing. The Property Management Company will coordinate with the Board and the Homeowner to schedule the hearing. The Homeowner will be notified in advance by the Management Company as to the time and place of their hearing. Upon review of the appeal, the Executive Board will make a final disposition on the Homeowner's appeal either at the end of the hearing or by a specified date after the hearing.

There is no further appeal for the particular violation in question should this appeal be denied by the Executive Board of Filing #22's HOA as described above.

TIMBERS COVENANTS

for

Timbers at The Pinery Filing #22

(See attachments)

ATTACHMENTS:

- I. Specific Types of Improvements.....pgs 15-30**

- II. Subsidiary Declaration of Covenants, Conditions, and restrictions
for Timbers at The Pinery Filing #22 - Article 3 (Copies available upon request)**

ATTACHMENT I

Specific Types of Improvements

NOTE: Any improvement NOT included in this list will require ARC approval!

1. Accessory Buildings/Gazebos/RV Garages. (requires Master & Timbers Filing 22 ARC approval)

All accessory buildings require Master and Timbers Filing 22 ARC approval.

Accessory buildings or facilities such as gazebos, greenhouses, tennis courts, RV garages, pools, cabanas, hot tubs, etc., shall adhere to the standards outlined for buildings and site planning. It is important that the massing and scale, as well as forms, materials, and other detailing should be well coordinated with the main structure(s) on the site. No temporary or permanent sheds will be allowed. Any accessory building must be designed and integrated into the overall architectural and landscape treatment of the home so as not to appear as an isolated structure in the rear or elsewhere on the property. RV garages must blend with the style of the building. No blank walls or doors that are out of scale with the design will be considered.

2. Advertising.

See “*Signs*”.

3. Additions and Expansions. (requires Timbers Filing 22 ARC approval)

Additions and expansions altering the exterior of any property require Master ARC approval. ***See “Improvements” and “Policies and Procedures” on page 8 of the ARCHITECTURAL GUIDELINES AND DESIGN POLICIES, attached, for submittal process of detailed plans, specifications, etc to the ARC.***

4. Address Numbers.

There shall be no more than two sets of house address numbers on each dwelling unit. Address numbers may be placed on the lightpost, if available, and on the residence.

5. Air Conditioning. (requires Timbers Filing 22 ARC approval)

All AC units and associated equipment should be shielded from frontal view from the street by appropriate fencing, plant material, the house itself, or a suitable combination. Roof mounted evaporative coolers and window mounted air conditioning units are specifically prohibited.

6. Antennas. (requires Timbers Filing 22 ARC approval)

No exterior aerials or antenna are permitted, except small (less than 39" in diameter) DSS (satellite) dishes. Other types of equipment may be permitted but plans must be submitted and approved by the ARC prior to installation. However, as technology changes, the ARC may consider other types of equipment provided the equipment is of a sufficiently small size or minimal appearance. The placement of small satellite dishes must be strategically located such that maximum screening from the building structure is achieved.

7. Awnings. (requires Timbers Filing 22 ARC approval)

Prior approval for cloth awnings is required. If approved they must be compatible in color scheme with the color of the house and kept in good condition. Metal and plastic awnings are not permitted.

8. Basketball Hoops. (requires Timbers Filing 22 ARC approval)

Basketball backboards/hoops may not be erected upon the roof or gable end of a garage structure. Portable or free-standing pole mounted backboards may be located behind the front corner of the building structure. Any variations will require specific Committee approval. *Also, see Play Equipment.*

9. Birdhouses and Birdfeeders. (requires Timbers Filing 22 ARC approval)

Prior ARC approval is not required, provided that the birdhouse/birdfeeder does not exceed 2 foot by 2 feet, and no more than six (6) are installed on the property. Birdhouses/birdfeeders are allowed at a maximum height of 10 feet above the ground unless attached to an elevated deck or hung in a tree. No birdhouses/birdfeeders are allowed on common area fences or in common areas. In all cases care should be taken to ensure that the birdhouses/feeders are aesthetically pleasing. Birdhouses/birdfeeders beyond these limits require advance ARC approval.

10. Boats.

See “*Vehicular Parking*” and “*Unsightly Articles*”.

11. Campers.

See “*Vehicular Parking*” and “*Unsightly Articles*”.

12. Clothes Lines.

Clotheslines and drying yards are not permitted.

13. Decks (requires Master and Timber Filing 22 ARC approval)

The Master ARC must approve all deck installations by the homeowner or the homeowner’s contractor. Decks must be wood, synthetic wood or other material similar to the material of the residence. Paint or stain must be a similar or a generally-accepted complementary color to the residence. The deck must be installed as an integral part of the residence and patio area, and must be located so as not to greatly obstruct or diminish the view of adjacent property owners. Columns supporting the decks are required to be constructed from the same building materials of the home. Railing design must be included with architectural submittals.

Freestanding decks are not permitted.

14. Deck Covers/Patio Screening (requires Timbers Filing 22 ARC approval)

All deck covering/screening must be wood or other material similar to the material of the residence, and painted or stained a similar or generally- accepted complementary color to the residence. (*Also see “Awnings”.*)

15. Decorations.

Holiday Specific decorations and/or lighting attached or installed on the property are permitted but shall not be put up more than 30 days prior to the holiday, and must be removed

within 30 days following the holiday. **Lighting** of such decorations shall cease within 7 days of the actual holiday.

See "Lighting" for more information.

16. Dog Houses. (requires Timbers Filing 22 ARC approval)

ARC approval is not required if (a) the house is placed in the back yard, (b) the maximum size does not exceed 48 inches high x 48 inches wide x 48 inches in depth, and (c) colors and materials match the material of the residence, including roof shingles. All others require ARC approval.

17. Dog Runs. (requires Timbers Filing 22 ARC approval)

Dog runs of any kind are not permitted. Back yard containment fences for pets are recommended per fence guidelines.

See "Fences".

18. Doors (Screen, Storm, or Security).

ARC approval is not required for the addition of a screen or other type door to a home, if the material matches or is substantially similar to existing doors on the house, and if the color is generally accepted as a complementary color to that of the existing doors and/or surroundings of the door. Replacement of front doors must be of similar construction, panels, and style and must match existing paint or stain. Air lock front doors, garage side doors, patio doors, French doors, sliding doors, and garage doors must duplicate existing materials on the house: same base color or trim color of the house; same size and style.

19. Drainage. (requires Master & Timbers Filing 22 ARC review)

There shall be no interference with the established drainage pattern over any property within the common area or with adjacent properties. Guidelines are as follows:

- a) Upon completion of any residence or associated structure the lot shall be final graded in a manner so as to insure positive drainage away from the structure's foundation. Drainage swales shall be designed to have a minimum grade of 2 Vt percent. As a general rule, swales shall be no closer than 5 feet from any foundation wall. Minimum slopes away from the foundation should be 5 percent for the first 5 feet or in accordance with the Owner's soils engineering report, whichever is most restrictive. Coordination of grading between adjacent sites is strongly encouraged with particular reference to attaining a single swale along property lines.
- b) At completion of construction an updated improvement survey must be submitted to the Committee documenting compliance with these Design Guidelines.
- c) In addition to minimizing the extent of site grading required, disruption to existing drainage courses will not be allowed. Where disruption or realignment of onsite drainage must occur, reconstruction should occur in a naturalized manner allowing water to percolate instead of concentrate while still allowing water to flow in a non-destructive course. If culverts or structural channels are required, these should be detailed so that contrast with the existing environment is minimized.

- d) Historic flows on or across the lot must be accommodated. Within the lot, adjustments can be made as described above. However, some properties contain parcels of land that have been improved by the Developer that must function as drainage facilities for the overall project, and which must be incorporated into the drainage design for the specific lot. Refer to the Final Drainage Study and Final Plat for such parcels.
- e) The design objective for drainage is to provide safe and efficient drainage blending into the overall design.

Builders shall:

- Conform with the requirements of the Douglas County approved drainage plan
- Not alter existing drainage patterns

20. Driveways. (requires Master & Timbers Filing 22 ARC approval)

Any extension, expansion, replacement, modification or widening of driveways requires Master ARC approval. *Guidelines are as follows:*

- a) Access to each residence shall be via the public street as shown on the Plat. The drive should be situated to minimize earthwork, without overly emphasizing the parking area or garage. Circular drives are acceptable to the Committee if appropriate to the site and architectural design. Driveways paralleling property lines are prohibited. The ARC will allow curvilinear drives with gentle curves allowing for the integration of landscape pockets. Parking areas should be located out of major sightlines and should be screened with landscape earth forms and planting. Garage doors must be oriented away from the street wherever possible. Exceptions to this requirement, for instance corner lots, will be by special approval of the Architectural Review Committee.
- b) There shall be a minimum of two and a maximum of four fully enclosed garage spaces for each residence unless by special approval of the Architectural Review Committee. In addition, a minimum of two off-street parking spaces shall be incorporated into the drive design.
- c) All driveways shall have a paved, hard surface, including at least one of the following:
- exposed aggregate;
 - concrete with color detailed border treatment;
 - color textured or stamped concrete;
 - stone or masonry pavers;
 - asphalt

21. Exterior Lighting.

See “*Lights/ Lighting*”.

22. Fences/Screens/Screening & Enclosures. (requires Timbers Filing 22 ARC approval)

All fencing requires ARC approval. *Guidelines are as follows:*

To allow a more open, spacious feeling for the community and the project's open space, perimeter lot fences are strictly prohibited. In order to further define the open character of Timbers At The Pinery, individual residential lots, and outdoor use areas, a system of fencing and privacy screens has been developed. They are:

A. PROJECT FENCE

- a. The project perimeter, open space edges, and entry features, if any, will exclusively be the responsibility of the developer and/or assigns.

B. FULL ENCLOSURE FENCES

These areas should be integrated with the overall landscape plan and fencing must have appropriate screening from visibility. A combination of landscape hedges, earth forms, retain walls, or other compatible landscape components must be utilized in the overall fence/enclosure plan. Compatibility and integration with the overall architecture of the home will also be considered as part of the enclosure approval. A full enclosure shall be restricted to the side and/or rear building envelopes of residential lots and shall typically not exceed 1,000 square feet in coverage. In no event, however, shall the lineal footage of the actual fence material exceed 100 lineal feet on any side. Fences outside the building envelope are prohibited and will be upon special review only. These areas may be enclosed with one of the following:

- a. visibility wire mesh may be fastened to the inside of split rail or rail fences, to Two or three rail, jumbo split rail fences not to exceed 4' in height. Limited improve containment. All fence posts, rails and/or pickets must be painted or stained to complement the structure, and must be maintained by the homeowner. No one side will exceed 100'.
- b. architecturally detailed iron fences not to exceed 4' in height.

C. PRIVACY SCREENS

Privacy screens are to be utilized in screening privacy areas including decks, patios, and hot tubs. These areas may not be fully enclosed. Screening of these privacy areas requires utilization of materials and finishes taken from the building palette itself. The Committee will review these areas with respect to overall harmony and compatibility between the physical structure and the landscaping. These screens shall be limited to an area within 30' of the building, and in no event shall the height of these screens exceed 6'. The privacy screen must also be compatible with and be integrated into the overall landscape plan creating an overall harmony between the physical structure and the landscaping.

D. SCREENING OF PLAY EQUIPMENT, HOT TUBS, ETC.

All screening must be pre-approved by the ARC. The purpose of screening to provide a blending of the added amenity into the overall view of the property. It is not intended to “*hide*” the addition of the desired amenities.

Screening materials for this purpose will be evergreen plants consisting of several Pine/ Spruce trees or other evergreen classified plants of a size and a nature as to create the desired affect at the time of installation. Typically, 3-4 well placed pines and/or spruces with a trunk diameter of 3" minimum can meet the requirement and the final numbers and locations must be approved by the ARC. As needed, homeowners may be required to go back and add additional blending material if the desired blending affect is not achieved at the time of initial installation.

E. SWIMMING POOL ENCLOSURE

- a. No solid fences will be allowed
- b. Privacy screens may be incorporated within the pool enclosure
- c. Architectural detailed wrought iron with columns to match the building material with a minimum spacing of 20 feet and between columns at the enclosure corners.
- d. Substantial vertical landscape screening will be required as part of a pool enclosure. An appropriate mixture of plant material and trees will be required with sensitivity to screening as well as protection of view corridors. Maximum enclosure size will be 5,000 square feet and must be contained within the building setbacks unless otherwise specifically approved by the Committee. Area increases may be possible when utilizing retaining walls or earth forms that are not in violation of code requirements.
- e. All pool equipment is encouraged to be below grade or completely screened and incorporated into the overall landscape plan or in their residence.
- f. Any cabana or "out buildings" must be specifically approved by the Committee.

23. Firewood Storage. (requires Timbers Filing 22 ARC approval for screening)

All wood must be neatly stacked in a side yard or back yard and screened from view. For fire safety reasons, the Parker Fire Department District discourages any firewood storage adjacent to the residence or underneath decks. *For definition of screening please refer to Fences/Screens/Screening & Enclosures,*

24. Flags and Flagpoles.

Location and placement of permanent flagpoles require ARC approval. Temporary flagpoles attached to the home or grounds during holidays, holiday periods and/or other single day events are permitted. Flags should be of reasonable size. No more than two (2) flags should be displayed at any one time. Flags or banners with words used as signs will be treated as signs. *See "Signs"*.

25. Garages/RV Garages. (requires Master & Timbers Filing 22 ARC approval)

See *"Accessory Buildings"*.

26. Garage Sales.

Garage sales are permitted, however, homeowners are encouraged to join with other neighbors and hold multi-family garage sales at less frequent intervals, in order to reduce the amount of traffic and congestion that can occur. Personal garage sales will be limited to a maximum of 3 sales per calendar year.

27. Garage Doors. (requires ARC approval when using a different color or design than originally installed)

- For home security and appearance, garage doors must remain closed when not in use.
- Garages should be carefully considered in the overall design. It is encouraged that entries be oriented away from the street frontage unless it is a corner lot or otherwise approved by the Architectural Review Committee. Multiple openings should be designed around courtyards or with openings to separate planes or axes to minimize their apparent size. They should be well proportioned with respect to the rest of the house and site. Guest parking should be provided other than in front of the garage doors where it is possible. Garage doors should be selected to evoke a sense of quality with attention paid to jamb details and shadow lines. Wood or metal raised panel doors with well-proportioned glazing are appropriate.
- *For more information see "Doors"*

28. Gardens – Flower

Gardens of all kinds must be weeded, cared for, and carefully maintained.
For more information see "*Landscaping.*"

29. Gardens – Vegetable

Gardens of all kinds must be weeded, cared for, and carefully maintained.
For more information see "*Landscaping.*"

30. Gazebos. (requires Timbers Filing 22 ARC approval)

See "*Accessory Buildings*".

31. Grading or Grading Changes. (requires Master & Timbers Filing 22 ARC review)

GRADING

- a) All site improvements should be designed to minimize the extent of grading required. Techniques to accomplish this include "stepping" buildings down slopes, providing access across slopes instead of down them, and the use of low retaining walls where necessary. Where grading is necessary, cut and fill slopes should be kept to a maximum of 3:1 on north and east slopes; 4:1 on south and west slopes. All graded slopes should be "rolled" back into existing slopes, so that no sharp contrast exists between existing and disturbed slopes. No final grading shall extend beyond existing lot lines, without consent of adjoining lot owner. However, this coordination of grades at lot lines is strongly encouraged and at times required.
- b) Finished Overlot Grade is the site grade provided to the Owner by the Developer.
- c) Final Finished Overlot Grade is the adjusted site grade for the residence completed by the Owner to comply with siting, drainage and landscape requirements of these Design Guidelines and the requirements of Douglas County. Final Finished Overlot Grades for the two front corners of the residence shall not increase by more than 18 inches from the Finished Overlot Grade provided by the Developer unless by special approval of the Architectural Committee due to site condition. In addition, excessive earth fills or significant alteration of more than one of the corners at the rear of the structure will not be permitted.

DRAINAGE

- a) Upon completion of any residence or associated structure the lot shall be final graded in a manner so as to insure positive drainage away from the structure's foundation. Drainage swales shall be designed to have a minimum grade of 2 Vt percent. As a general rule, swales shall be no closer than 5 feet from any foundation wall. Minimum slopes away from the foundation should be 5 percent for the first 5 feet or in accordance with the Owner's soils engineering report, whichever is most restrictive. Coordination of grading between adjacent sites is strongly encouraged with particular reference to attaining a single swale along property lines.
- b) At completion of construction an updated improvement survey must be submitted to the Committee documenting compliance with these Design Guidelines.
- c) In addition to minimizing the extent of site grading required, disruption to existing drainage courses will not be allowed. Where disruption or realignment of onsite drainage must occur, reconstruction should occur in a naturalized manner allowing water to percolate instead of concentrate while still allowing water to flow in a non-destructive course. If culverts or structural channels are required, these should be detailed so that contrast with the existing environment is minimized.
- d) Historic flows on or across the lot must be accommodated. Within the lot, adjustments can be made as described above. However, some properties contain parcels of land that have been improved by the Developer that must function as drainage facilities for the overall project, and which must be incorporated into the drainage design for the specific lot. Refer to the Final Drainage Study and Final Plat for such parcels.
- e) The design objective for drainage is to provide safe and efficient drainage blending into the overall design. Builders shall:
 1. Conform with the requirements of the Douglas County approved drainage plan
 2. Not alter existing drainage patterns

EROSION CONTROL

During and subsequent to all site construction, techniques for controlling erosion within the site to ensure protection of adjacent properties from erosion shall be mandatory and conform with Douglas County requirements. Techniques include the use of sedimentation basins, filtration materials such as straw bales or permeable geotextiles, and slope stabilization fabrics or tackifiers. Prior to completion, all disturbed areas must be landscaped or re-seeded to native grasses, per seed mix specifications provided by the Architectural Review Committee (requires Timbers Filing 22 ARC approval)

32. Greenhouses. See Accessory Buildings.

Separate greenhouses require Master ARC approval. "Greenhouse windows" are permitted, as long as they do not protrude further than 36" from the surface of the home and are not located in the front portion of the home.

33. Hot Tubs/Saunas. (requires Timbers Filing 22 ARC approval)

ARC approval is required for any exterior installation of a hot tub, sauna, or other type of spa equipment. The installation must be an integral part of a deck or patio area, and installed in

the least obtrusive way and must be aesthetically screened with natural screening and/or landscaping of appropriate height.

See Fences/Screens/Screening and Enclosures for definition of screening)

34. Irrigation Systems.

Automatic irrigation systems will not require approval from the ARC, as long as they do not encroach on or into the Common Area of the Association.

35. Landscaping. (requires Timbers Filing 22 ARC approval)

All landscaping requires ARC approval with the exception of:

- Replacement of existing foliage with like or similar foliage.
- Planting or expanding planting beds and vegetable gardens. The guidelines are:
 - a) Landscape improvements become the final critical element in the overall streetscape, architectural integrity, and aesthetics of Timbers At The Pinery. The properly conceived and well-designed landscape program may ultimately be the single most important value-enhancing element for the overall community. Consequently, careful attention has been given to these landscape standards to ensure that the landscaping for each individual home is a positive addition and will be compatible and harmonious to the overall community.
 - b) No artificial plants, artificial grasses or artificial flowers shall be placed on the lot as exterior landscape material. Artificial plants can be kept in pots and planters, but must remain seasonal and removed during the winter months.
 - c) All landscape construction that is to be undertaken in this community, whether original landscape plantings, subsequent landscape improvements, or any drainage improvement is subject to review under the following design standards and requirements. After completing this process and receiving written approval, construction may begin.
 - d) All Owners (hereinafter referred to as "Owners", but including all Owners, contractors, designers, and any other designated representative) shall comply with the following process, in order to gain approval from the Architectural Review Committee for any landscape construction. To appropriately landscape your site at Timbers At The Pinery, it is suggested that you anticipate from eight to ten percent of the total cost of your home to be allocated to landscape expenses. All landscape improvements must be installed within 120 days of occupancy or by special approval from the Architectural Review Committee. In case of occupancy in the winter months, landscaping must begin within 180 days of occupancy.

NOTE: Xeriscape plans are highly recommended. If natural grasses are used, the homeowner is responsible for ensuring that they are thick enough to provide the appropriate ground cover and prevent erosion. Weeds, thistles and wild sunflowers do not constitute ground cover. Xeriscaped areas should be maintained and manicured as needed in the same manner as conventional landscaping.

36. Latticework. (requires Timbers Filing 22 ARC approval)

ARC approval is required.

37. Lights/ Lighting (General Exterior, Accent and Holiday Lighting).

ARC approval is not required for exterior lighting if it is in accordance with the following guidelines:

- a) Conservative in design and as small in size as reasonably practical
- b) Directed downward, upward and/or toward the house with minimized wattage to avoid glare sources to neighboring properties
- c) Walkway lighting must be directed towards the ground
- d) "Up lighting" in trees and upon home shall be done in such a way as to prevent glare to neighboring residences and/or along sidewalks and streets.
- e) Holiday theme lighting is permitted for a period of 14 days prior to and 7 days following any holiday. . However, installation of holiday lights can occur up to 30 days prior and can remain up to 30 days after each Holiday. Thanksgiving – Christmas – New Years shall be considered a single Holiday season lighting event meaning 14 days prior to Thanksgiving and 7 days after New Years Day
- f) Non-holiday use of strobe lights, rope lights, perimeter lights and other festive lights should be limited to short term occasional use, special events or parties.

Any Variance from these lighting guidelines will require prior ARC approval.

38. Maintenance of Property.

All property within the Association shall be kept in a clean, safe, attractive condition and no property shall be permitted to fall into disrepair. Violation of this provision by an owner shall permit the Association, after appropriate Notices and Hearing, to enter on the privately owned site to cure the violation or cause compliance with this provision, and to levy and collect a reimbursement assessment for the costs and expenses of the Association. There shall be no entry into the interior of such a property without the express consent of the owner thereof, unless a clear emergency exists. For more information, see "*Landscaping*".

39. Mailboxes.

Mailboxes are multiple unit boxes located on general easements. The mailbox unit belongs to the United States Post Office. The walk area and concrete pad surrounding the mailbox is typically on or near a side yard easement of a residential site, and is the collective responsibility of the neighborhood to maintain.

40. Motor Homes

See "*Vehicular Parking*" and "*Unsightly Articles*".

41. Newspapers/Flyers.

For home security and appearance, newspapers and flyers should be brought inside the home within 24 hours of delivery.

42. Obstacles/Obstructions.

See *“Trash/Dumpsters”*

43. Painting. (requires Timbers Filing 22 ARC approval when changing the color or theme)

Repainting the exterior of the home and/or other property with the same colors as were originally installed does not require prior ARC approval. New colors will require ARC approval. The submittal must include sample color chips of not less than 8” x 10” and must include the brand name of the paint.

44. Patios (Open). (requires Timbers Filing 22 ARC approval)

See *“Additions and Expansions”* and *“Decks”*

45. Patio Covers/Enclosures. (requires Timbers Filing 22 ARC approval)

Prior ARC approval is required. (See *“Deck Covers”*).

46. Parking

See *“Vehicular parking/storage”*

47. Pets

Owners may keep up to a total of four (4) household pets (domestic animals) of more than 4 months of age. Of the four (4) pets, a maximum of three (3) may be dogs. This provision does not apply to tropical fish, small rodents such as gerbils or hamsters, nor common household birds kept as household pets. A limit of one litter, brood or offspring is permitted per household, per year. No animals, livestock, pigs, birds, poultry, reptiles, or insects of any kind shall be raised, bred, kept or boarded in or on the residential premise.

To report unleashed pets, vicious pets or barking dogs, please call Animal Control at 303 660 7529.

48. Play Equipment/Sports Equipment. (requires Timbers Filing 22 ARC approval)

Any play/sport structures such as swing sets, play structures, climbable equipment, trampolines, forts, ramps, playhouses, etc. require prior ARC approval. Location of play equipment (swing sets, gyms/basketball hoops, trampolines, etc) must be specifically approved by the ARC. Appropriate screening and integration into the overall landscape plan will be required. Use of wood and natural materials and colors are encouraged. Metal/pipe swing sets are not permitted. All Play equipment must be aesthetically screened with integrated natural screening and/or other landscaping of appropriate height. Above ground Trampolines require ARC approval prior to any installation and/or landscaping. However, trampolines installed at ground level (i.e. the top surface of the trampoline is equal to ground level) do not require ARC approval but screening from neighbor’s views is still required. Basketball backboards may not be erected upon the roof or gable end of a garage structure. Portable or freestanding pole mounted backboards may be located behind the front corner of the building structure. Any variations will require specific ARC approval. All other items not mentioned herein require ARC approval.

49. Recreational Vehicles.

See *“Vehicular Parking”* and *“Unightly Articles”*.

50. Security Bars/Windows. (requires Master & Timbers Filing 22 ARC review)

Master ARC approval is required. Submit plans with sample pictures via the ARC.

51. Sheds. (requires Master & Timbers Filing 22 ARC review)

See *“Accessory Buildings”*.

52. Siding.(requires ARC approval)

Any change to siding from what was originally installed by the builder of the unit must have prior ARC approval.

53. Signs. (may require ARC Approval)

No sign of any kind shall be displayed to the public view without the approval of the ARC that are not exempted as listed below. No flashing or moving signs shall be permitted. Signs may NOT be attached to community fencing or placed on common area at any time without the express written permission of the ARC.

Signs exempted and not requiring ARC Approval are:

- Signs that do not exceed 6 square feet and 6 feet in height may be displayed on the lot advertising the residence for sale or lease.
- Open House signs are permitted only during the hours of the open house.
- Garage sale signs are permitted on common areas and in yard only during the time of the sale, to be placed on the morning of the sale and must be picked up after the event.
- Signs for HOA related activities or meetings may be posted upon common areas on or very near the same day as the event and shall be removed within one day following the event.
- No more than two signs designating Alarm Systems and/or Surveillance Equipment not to exceed 75 square inches per sign.

54. Skylights. (requires Master & Timbers Filing 22 ARC review)

The addition of a skylight to a residence must have prior Master and Timbers Filing 22 ARC approval.

55. Solar Energy Devices. (requires Master & Timbers Filing 22 ARC review)

Solar energy devices must have prior Master and Timbers Filing 22 ARC approval.

56. Swamp Coolers/Evaporative Coolers.

No exterior installation of swamp coolers or evaporative coolers is permitted without prior Master ARC approval.

57. Swimming Pools. (requires Master & Timbers Filing 22 ARC review)

All types of swimming pools, whether above ground or in ground, other than kiddie pools require prior Master ARC and Timbers Filing 22 ARC approval.

58. Swing Sets. (requires Timbers Filing 22 ARC approval)

See *“Play/Sports Equipment”*.

59. Temporary Structures.

No shack, temporary structure, temporary building, or outbuilding shall be placed on any lot without prior ARC approval. Temporary tents or canopies are allowed for special occasions, not to exceed 72 hours. Tents that are greater than 10 ft x 10 ft and canopies that are greater than 20 ft x 20 ft require permits through the Parker Fire Protection District as specified in local fire codes.

60. Trampolines. (Requires Timbers Filing 22 ARC approval)

See *“Play/Sports Equipment”*.

61. Trailers/RV’s/mobile homes/Etc.

No trailers, RV’s, mobile homes, campers nor other similar equipment may be stored on any Lot. See *“Unsightly Articles “, “Vehicles – Abandoned”, Vehicular Parking and Vehicle Maintenance (items 63 – 66) for more details.*

62. Trash Receptacles/Trashcans/Recycling Bins/Dumpsters. (Dumpsters require Timbers Filing 22 ARC approval)

Trash receptacles of all types must be stored out of view (behind a fence or in the garage). Place cans out for collection no earlier than the night before and removed from view the day of collection. All trash/recycling materials must be contained at all times. Any dumpsters that will be on premises for more than two (2) weeks require ARC notification. Any dumpsters, landscaping materials or other obstructions on the street during construction, or landscaping projects should be properly marked by nighttime reflectors and/or reflective cones for safety.

63. Unsightly Articles

No unsightly article shall be permitted to remain on any Lot or any other portion of the Property if it is visible from adjoining property or public or private thoroughfares. Without limiting the generality of the foregoing; trailers, mobile homes, recreation vehicles (RV’s), graders, trucks (other than pickups), boats, tractors, campers, wagons, buses, sleighs, motorcycles, motor scooters, snowmobiles, snow removal equipment, garden equipment and maintenance equipment shall be kept at all times (except when in actual use) in an enclosed structure. Further, no repair or maintenance work shall be performed on any of the foregoing or on any automobile, other than minor emergency repairs, except in an enclosed garage or other structure. Service areas, storage areas, compost piles, and facilities for hanging, drying, or airing clothing or household fabrics shall be appropriately screened from view. No lumber, grass, plant waste, shrub or tree clippings, metals, bulk materials, scrap, refuse or trash shall be kept stored or allowed to accumulate on any property except within an enclosed structure or otherwise fully screened from view.

64. Vehicles – Abandoned/Inoperable.

No abandoned or inoperable vehicles of any kind shall be stored or parked within the Association boundaries except in garages or storage areas except in the case of clear emergencies.

An abandoned or inoperable vehicle shall be defined as any automobile, truck, motorcycle, van, trailer, house trailer, camper, recreational vehicle or vehicle for carrying passengers,

goods or equipment, which has not been driven under its own propulsion or which does not have an operable propulsion system, or which does not bear current license from an appropriate agency.

If the Association determines that a vehicle is abandoned or inoperable within a Filing #22 property, a written notice shall be delivered to the homeowner. If the abandoned or inoperable vehicle is not removed within 72 hours after the notice is delivered *the Association shall have the right to request or carry out removal and storage of the vehicle at the sole expense of the homeowner*. Any vehicle belonging to an owner who is ill or out of town on a short-term basis shall not be considered abandoned. Also, see “*Vehicular Parking*” and “*Unsightly Articles*”.

65. Vehicular Parking/Storage.

On - street parking is restricted to approved deliveries, pick-up or short-time guest parking. Parking in driveways is permitted, provided however that inoperable vehicles or stored vehicles are not permitted.

Commercial vehicles (or those vehicles with exposed tools, ladders, racking or other similar purpose attachments), house trailers, campers, camping trailers, boat trailers, horse trailers, boats, hauling trailers of any nature, trucks larger than one ton, self-contained motorized recreational vehicles ("RV"), snowmobiles, jet-skis, or other recreational vehicles, or any accessories to any of the above, are not permitted to be parked for more than 72 hours on any lot within the Association boundaries, and may be parked only for the purposes of loading, unloading, or otherwise preparing the vehicle/equipment for use or storage. However, such vehicles/equipment may be stored within your garage indefinitely.

Visitor parking greater than 2 continuous weeks including street parking should be brought to the attention of the HOA via the current management company telephone number. See “*Vehicular Parking*” and “*Unsightly Articles*”.

66. Vehicle Maintenance/Repair.

No extended vehicular maintenance and/or repair is permitted in open view. However, minor activities such as cleaning, washing, waxing, or similar activities may take place as long as they do not exceed a 24-hour period. Any other types of owner-performed maintenance or repair must be conducted within the confines of the garage and secured from view. It is the owner's responsibility to make sure disposal of any debris or fluids is properly conducted.

See “*Vehicular Parking*” and “*Unsightly Articles*”.

67. Walls – Landscaping/Retaining. (requires Master & Timbers Filing 22 ARC review)

Prior ARC approval is required. Submittals need to include a detailed design of any wall to be built. Walls greater than 4 ft in height require Master ARC approval.

See *Section L - Landscaping in attachment “Timbers at The Pinery”*.

68. Wind Generators/Turbines.

No wind generators, wind turbines, or similar equipment is permitted.

- * Neighbor Review - In order to keep neighbors informed and reduce the potential of future neighborhood conflicts all architectural changes and submittals requiring ARC Approval will also require notification of adjacent neighbors. This includes those that adjoin the property in

the back and sides, as well as, those immediately across the street. Notification does not mean obtaining their approval, but ensuring they are aware of the changes so they have an opportunity to voice any concerns.

NOTE: Any improvement NOT included in this list will require ARC approval!

MAINTENANCE OBLIGATIONS OF TIMBERS HOA

The Timbers Filing #22 HOA has no common property. The Metro District is responsible for maintaining surrounding greenbelts, open spaces, trails, playgrounds, monument signs, and the exterior side of fences adjacent to these areas. Most of these areas are designated as Tracts on the recorded plats of subdivision, and are owned by Metro District.

Our HOA is NOT responsible for the following:

- Snow removal on streets. This is the responsibility of the Douglas County Public Works and the Metro District.
- Maintenance of homes, including landscaping
- Maintenance of fences
- Approving, engineering or finalizing drainage changes submitted by homeowners.
- Snow removal and maintenance on the Trails which is the responsibility of the Metro District.
- Snow removal on the sidewalks immediately in front of a homeowner's lot is the responsibility of that homeowner. Homeowners on corner lots are also responsible for snow removal on sidewalks along both sides of their property, unless it is along an arterial road.

Generally, **there will be no adjudication of individual problems between neighbors.** If necessary, the HOA will get involved with architectural violations, maintenance, abandoned vehicles, etc., all of which are nuisance items to the neighborhood.

Boundary disputes, drainage disputes, etc. are a civil matter and beyond the scope of the duties of the Association committees and/or Executive Board.

The guidelines contained in Attachment I, "Specific Types of Improvements", herein are the most current guidelines of the Filing #22 HOA and supercede any other guidelines that may exist elsewhere in prior Timbers At The Pinery documents. All changes are compliant with and authorized pursuant to the authority as set forth by Section 5.2 of the Subsidiary Declaration Of Covenants, Conditions and Restrictions For Timbers At The Pinery Filing #22.

Article 3