

Rules and Regulations/Design Guidelines Ptarmigan West Metro District No. 2 Windsor, Colorado

Dated _____

This property is also subject to Declaration of Covenants, Conditions, And Restrictions For Ptarmigan West Metro District, Town of Windsor, Larimer County, Colorado (“Covenants”) which contains further restrictions and limitations which are also binding on the owners of all lots within the Community. The Architectural Review Committee (ARC) shall have the right, power, and authority to amend these Rules and Regulations from time to time as deemed appropriate in the future.

Introduction:

Pursuant to article 2 section 2.2.1 of the Covenants, the Architectural Review Committee may adopt Design Guidelines to facilitate the purposes and intent of the Declaration. This includes promulgation, amending, varying, repealing, or augmenting the Design Guidelines from time to time in furtherance of the Covenants. Such guidelines and rules adopted by the ARC shall have the same force and effect as if they were set forth in and were a part of the Declaration.

Accessory Buildings, Storage Buildings: Accessory buildings and storage buildings shall be submitted to the ARC for approval prior to construction. All such buildings shall be consistent with the siding, roof and colors of the primary residence. All accessory buildings and storage buildings shall be located in the side or rear yard of the primary residence in accordance with the PUD zoning standards for Ptarmigan West Metro District as approved by the Town of Windsor.

Additions and Expansions: Additions and expansions of any improvements require prior ARC approval.

Advertising: See "Signs".

Air Conditioning Equipment: No types of refrigerating, cooling or heating apparatus shall be permitted on the roof or in any window of any Completed Structure unless such system is approved in writing by the ARC. Further, no such apparatus shall be permitted elsewhere on a Lot except when appropriately screened and approved by the ARC. Without limiting the foregoing, conventional air conditioning units located on the ground of a Lot are permissible when approved in accordance with the preceding sentence.

Antennas: Except as otherwise provided herein, no exterior radio antenna, television antenna, satellite dish, aerial or other reception receiver device or other antennae of any type or size shall be erected or maintained on the Property without the prior approval of the ARC. Satellite dishes may be installed below the roof line of any Residence, provided that the satellite dish is not visible from the street. The ARC shall act on applications for approval of satellite dishes and antennas in accordance with the requirements of the Federal Telecommunications Act of 1996, and any applicable regulations adopted pursuant thereto, as such statute and regulations may be amended from time to time. Antennae may be erected within the attic of the residence.

Artificial Turf: Artificial Turf is allowed in rear yards only up to 25% of the rear yard.

Awnings: Cloth or canvas awnings will require prior ARC approval. Color must be the same as or generally recognized as complementary to, the primary residence color and must be integrated in the overall appearance of the home. Awnings (cloth or canvas)/coverings may be used over a patio or deck in the rear yard of the residence only. Also, awnings (cloth or canvas) shall be maintained in good condition and appearance. No aluminum, fiberglass, or bolt-on type awnings will be allowed.

Balconies: Construction of a balcony must receive prior approval by the ARC.

Basketball Backboards: Placement on the home is prohibited. Free-standing basketball backboards permanently installed along the driveway are allowed with approval by the ARC. Portable hoops will be allowed with the following conditions: The backboard and hoop must be stored out of view from the street when not in use October-April. The backboard and net must be in good condition if left out during the warm season months. The portable hoop must not be used or stored on the public street or the sidewalk.

Bird Houses and Feeders: Bird houses and feeders do not require ARC approval up to a maximum size of 1 foot by 2 feet. No bird houses or bird feeders (of any size) may be attached to fencing.

Boats: Boats and boat trailers shall not be parked on the streets of the property or stored on any lot unless fully contained within a garage. Notwithstanding the foregoing, boats and boat trailers may be parked upon the driveway of the lot or upon the street immediately adjacent to the lot for expedient loading or unloading not to exceed 72 hours.

Carpports: Free standing carpports are not allowed.

Clotheslines: No clotheslines shall be installed or maintained on any lot.

Concrete: It is recommended that only a neutral tone concrete be used for all concrete work. Tinted, colored or stamped concrete will be allowed only with specific approval by the ARC.

Construction Staging and Materials Storage: Construction materials including storage containers may not be placed on any lot or street without ARC permission. Additionally, storage of construction materials/storage containers are only permitted 30 days prior to the beginning of construction within the development and must be removed within 30 days of construction completion. Utility trailers are not permitted. All containers must be in good condition and the amount of materials stored must not exceed the amount required for the current project.

Dog Houses: Doghouse(s) require plan submittal to the ARC prior to installation/construction. This also includes "dog runs". Also, doghouse and dog runs must be appropriately concealed from the street and neighboring yards. Acceptable methods of concealment include fencing or other screening method approved by the ARC.

Driveways: Driveways to the garage shall be constructed only with standard grey concrete. There shall be no extension or expansion of driveways without prior ARC approval. If driveway extension or expansion is desired, drawings shall be submitted to the ARC showing the desired changes/additions (also including description of materials).

Evaporative Coolers: Evaporative coolers are not allowed.

Fences: Fences require ARC approval prior to installation. Drawings showing fence location, layout, design, height, and material shall be submitted to the ARC. No fencing will be allowed anywhere within the front yard of residence. Only property perimeter fencing of the side and rear yard of residence will be allowed.

See Exhibit A Fence Type by Lot

Flagpoles: Free standing poles are not allowed. One wall mounted bracket per residence shall be

allowed without approval.

Gardens: Vegetable gardens shall be allowed only within the homeowner's side or back yard behind fencing, and not in the front yard. Flower gardens and other landscaping gardens are encouraged but shall require prior ARC approval and be submitted on original landscaping plan, or submitted as a change, if performed after original landscaping plans has been approved.

Greenhouses: Greenhouses require prior ARC approval.

Hot Tubs/Spa Tubs: Hot tubs/spa tubs shall require ARC prior approval. Hot tubs/spa tubs should be an integral part of the deck or patio area and of the rear yard landscaping. Also, hot tubs/spa tubs must be installed so as not to be immediately visible from the front yard/street. Hot tubs/spa tubs shall be installed in such a manner that they will not cause noise disturbance for adjacent property owners. Owners shall take all necessary precautions to prevent accidental drowning, including appropriate tub covers.

Home Business/Office: Each Residence will be used for residential purposes only, except that the Owner or Occupant residing in the Residence may conduct ancillary business activities within the Residence with the following restrictions: 1. The business activity is not apparent from the outside of the Residence. 2. It does not involve visitation of the Residence by employees, clients, customers, suppliers, or other business invitees in greater volume than would normally be expected for Guest visitation to a Residence without business activity. 3. It is legal and conforms to all zoning requirements for the Development and the City of Windsor. 4. It does not increase traffic in the Development in excess of what would normally be expected for Residences in the Development without business activity (other than deliveries by couriers, mail carriers, parcel delivery services, and other similar deliver services. 5. It does not constitute a nuisance or a hazardous or offensive use, or threaten the security or safety of other residents, as determined by the District. Every resident should also inquire with the Town prior to implementing a home business to become aware of any Town requirements or restrictions, which will also apply.

Landscaping: Applications for initial landscaping and installation of the same are required to be complete within six (6) months of closing on the home. Landscaping plans must be approved by the ARC prior to installation. Once the landscaping plan has been approved, no alterations can be made unless approved by the ARC. The ARC may require form(s) to accompany submitted landscaping plans and payment of a review fee. Underground, automatic irrigation systems must be installed to irrigate landscaping in the front and rear lawn. Plans shall depict types and locations of: fencing, decks, playground areas, sod, seeded areas, edging, retaining walls, rock areas, landscape timbers, underground, automatic irrigation systems, species and sizes of living plant materials, flower beds/gardens, other planting beds, mulch areas, landscape lighting and any other components of the proposed plan. Lot owners are responsible for replacing dead or diseased trees or plantings. No more than 30% of the front yard landscaping shall be non-living materials, unless otherwise approved by the ARC and the Town of Windsor. The same standard shall apply to back yards unless the entire back yard is screened from view by fencing or other screening materials approved by the ARC and is no less than 5' high. Landscaping work/installation can be accomplished by a professional landscaping designer/contractor, by construction contractor, or by residence owner(s). The ARC may approve extensions to the deadline for installation of the landscaping at the time of initial application or when proof of a good faith effort has been made and extraordinary circumstances exist. The ARC may request additional information related to an initial application and/or resubmittal, as it deems appropriate.

Per the approved Public Improvement Construction Plans (PICP's) for Ptarmigan West Metro District First Subdivision. All trees, shrubs groundcover, and other plant material used for landscaping within Ptarmigan West Metro District shall be in conformance with the [Town of Windsor Plant List](#).

Rear Yard Living Plant Material Minimums Based on Lot Size as Measured Across the Width of the Rear Yard

Small (50 feet wide or less)

1 Tree (Deciduous) 1.5-inch caliper trunk
4 Shrubs

Standard (50 feet wide to 75 feet wide)

1 Tree (Deciduous or Evergreen) 1.5-inch caliper trunk
5 Shrubs

Large (75 feet wide or larger)

2 Trees (One must be deciduous the second could be deciduous or Evergreen) 1.5-inch caliper trunk
9 Shrubs

Living Plant Material Minimum Size Requirements

Deciduous Trees Front Yard – 2-inch caliper trunk. Rear Yard – 1.5-inch caliper trunk
Ornamental Trees Rear Yard – 1.5-inch caliper trunk
Evergreen Trees – 6-foot height or greater
Shrubs – 5-gallon size (aka #5) container

Weeds on all lots (including, without limitation, lots owned by builders) shall be kept mowed/cut (weeds must be mowed/cut when they exceed 4 inches in height). Maintenance of proper landscaping elements is required, meaning that if an area is designed as a rock mulch bed it should be maintained to be free of weeds and grasses.

Lattice Work: Lattice work shall require prior ARC approval. Any lattice work shall be incorporated within the "general" landscaping theme and must be maintained in good condition and appearance.

Lights and Lighting: Lights and lighting shall be designed, installed, and operated to provide safe and adequate views without creating a nuisance or hazard to adjacent Lots or District Property. Lighting for walkways generally shall be directed to the ground. Use of "Dark Sky" compliant lighting is encouraged. Addition of any exterior lighting or replacement of any exterior fixtures installed during the initial build shall be approved by the ARC.

Ornaments: Ornaments, such as fountain, statuary, artificial plants, wagon wheels or equipment, or other ornamental features shall not be placed or allowed to remain where visible from streets or exceeding the height of fence lines unless the same have been approved by the ARC.

Overhangs (Cloth or Canvas): See "Awnings" or "Patio Coverings"

Painting: All exterior painting of residences shall be kept in good condition and in the color approved with the original construction submittal. Color changes thereafter must be prior approved by the ARC. Submit physical color swatches/samples of the proposed colors identifying the location on the home they will be applied along with photos of the home to be painted and the neighboring homes on the immediate right and left of the home to be painted. The ARC will not approve similar paint schemes on neighboring homes.

Patio Coverings: Patio coverings must be approved by ARC. They must be constructed of wood or materials generally recognized as complementary to the residence and must be similar or generally recognized as complementary in color to the primary residence color.

Paving and Hardscapes: Hardscapes can be created with a variety of materials and used to enhance the residences landscaping or to create patio areas, walkways, stoops, porches, landscaping trim, etc. Approved materials are as follows: neutral tones of concrete or stamped concrete, flagstone, steppingstones, pre-cast patterned or exposed aggregate concrete pavers, and colored or natural rock. All material must be installed/located so as not to block any existing drainage pattern of the lot. All hardscape materials will require prior ARC approval to ensure they blend with the palate of the

community. Example pictures of any materials to be used are highly encouraged to be submitted with your application.

Play and Sports Equipment: Play and sports equipment requires prior ARC approval. In general, all play equipment, trampolines and other sports equipment shall only be allowed in the rear of a residence. The ARC may require reasonable screening from the street.

Playhouses: Playhouses require prior ARC approval. Playhouses shall not exceed 6' in height at the peak, shall have no more than 100 square feet of interior floor space, and shall be located in the rear yard of the residence. Basic design, materials, colors, and roof materials must match the residence. Playhouses are to be incorporated into, and at least partially screened by, landscaping.

Pools: All swimming pools (whether in ground or above ground) shall require prior ARC approval. Moveable small children type (12' in diameter or less and 18" in depth or less) size swimming pools need not receive ARC approval. Swimming pools may be located only in the rear of residence. It is strongly recommended that some form of protection be installed surrounding any and all swimming pools (such as fencing – also subject to ARC approval) to protect against accidental drowning.

Recreation Vehicles/ Campers: Except as otherwise set forth in the Rules and Regulation, tractors, mobile home, recreation vehicles, trailers, campers, camper trailers, boats and other watercraft, recreational vehicles, golf carts and boat trailers, shall be parked only in enclosed garages or specific areas, if any, which may be designated by the District(s) from time to time. This restriction, however, shall not prohibit vehicles (including, without limitation, emergency vehicles driven by an on or off duty employee of the entity providing emergency services) that may be otherwise parked on a temporary basis for loading, delivery, emergency or, in the case of emergency vehicles, for any other lawful purpose. Vehicles may be further subject to Town of Windsor enforcement.

Retaining Walls: Retaining walls require prior approval of ARC. Also see "Landscaping".

Roof Top Equipment: No roof top equipment is allowed (see also "Air Conditioning Equipment" and "Antennae"). Decorative roof mounted weathervanes require prior ARC approval.

Satellite Dishes: Satellite dishes may be installed below the roof line or on the rear facing roof of any residence without ARC approval, provided that the satellite dish is not visible from the street. Also see "Antennae".

Seasonal Decorations: Seasonal decorations are permitted with the following qualifications and conditions: (i): Christmas decorations shall not be displayed prior to November 10 and must be removed by January 25 of the following year; (ii) other holiday decorations shall be removed within two weeks after the celebrated holiday; (iii) no decorations shall be displayed in such a manner as to be offensive to the neighborhood or create a public nuisance.

Signs: Except as expressly permitted by applicable law including any Rules and Regulations of the District, no signs or flags shall be displayed to the public view on any Lot without the prior written approval of the District, with the following exceptions: The patriotic display of flags not exceeding 4' X 6' and signs of customary dimensions, not exceeding 3' X 4' in size, advertising a Lot or portion thereof as "For Sale" or "For Rent" shall be exempt. No electronic signs shall be permitted on any Lot if the same would be visible from the outside of a structure. Notwithstanding anything herein contained to the contrary, all signs, if allowed, shall also comply with all sign standards of the applicable governmental authorities.

Solar Energy Devices: Solar Energy Devices (whether passive or active) require prior approval from the ARC. Devices must be designed to appear as if they are an integral part of the roof. Every attempt shall be made to mount such devices on the back side of roof if possible, to minimize visibility from front of the residence.

Swamp Coolers: See "Evaporative Coolers".

Swing Sets: See "Play and Sports Equipment".

Television Antennae: Television antennae are not allowed to be mounted anywhere on the exterior of the residence. Also see "Antennae" and "Satellite Dishes".

Temporary Structures: Temporary structures are not allowed.

Utility Trailers: Utility trailers shall not be parked on the streets of the property or stored on any lot unless fully contained within a garage. This is handled in the RV/camper section.

Vehicles: Except as otherwise set forth in the Rules and Regulations, vehicles shall be parked only in garages or on driveways, serving the Lots, or within designated parking spaces, or areas which may be designated by the District from time to time. Vehicles may be parked on a temporary basis for resident visitations, loading, delivery, or emergency and may be further subject to Town of Windsor ordinance and enforcement.

Exhibit A – Fence Guidelines For Ptarmigan West Metro District No. 2

- Fence Material – Cedar
- Fence Size – 6' height
- Picket – 1x6x6 – Dog Ear - matching builder installed wing.
- Posts - 4"x4"x8 Cedar
- Rails – 2"x4"x8 Cedar
- Fence Stain – Fences must be stained within 60 days of completion or, if it is built after October, it must be stained by May 1. All Cedar fencing requires staining every 3 years or sooner.
- The stain for Ptarmigan is Sherwin Williams – 3507 Riverwood.
- 6' fencing is only allowed for interior Lots and cannot replace split rail fencing. See example below for connecting to split rail.

Example for lots on the end of cul-de-sac (connecting to split rail).

