

**RULES AND DESIGN/MAINTENANCE GUIDELINES
OF
SANCTUARY ON THE PARK**

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**RULES AND DESIGN/MAINTENANCE GUIDELINES
OF
SANCTUARY ON THE PARK**

These Rules and Design/Maintenance Guidelines have been adopted and implemented to protect the investment of the Owners and to enhance the values of the Lots or Improvements subject to regulation by the Association. The Declaration of The Sanctuary On The Park ("Declaration") is the governing document for the HOA, and all capitalized terms (e.g., Lot, Improvement) not defined herein, are defined in the Declaration. The word "Lot" refers to the physical portion of the community designated for separate ownership. The term "Improvement" is defined as the structure installed within or upon the "Lot." The language is consistent with the Declaration. Article 6 of the Declaration describes restrictions on use, alienation, and occupancy, and Article 8 discusses Architectural Approval and Design Review. These Rules and Design/Maintenance Guidelines provide clarification and interpretation and include procedures for Owners. These Rules and Design/Maintenance Guidelines are to be used to assist the Owners in making decisions regarding their Lots or Improvements, as well as to assist all Owners in decision making regarding uses and maintenance of the common area in the development.

I. RULES

A. Association Service and Maintenance Policy Standards. The Association shall endeavor to provide services and to maintain the Common Elements and areas that are the responsibility of the Association in a manner consistent with the Declaration.

B. Exterior Changes, Alterations or Additions. No exterior change, alteration or addition may be made to a Lot or Improvement without the prior written consent of the Design Review Committee established by the Declaration.

C. Proper Use of Common Elements. Common Elements shall be used only for the purposes for which they were designed. No person shall commit waste on the Common Elements, interfere with their proper use by others, or commit any nuisances, vandalism, or damage on or to the Common Elements.

D. General Rules

1. **Animals and Pets.** Approval must be obtained from the Board of Directors to have more than a total of three (3) dogs, cats, or other usual household pets. See Article (6.05) of the Declaration for other restrictions regarding animals and pets. *

2. **Vehicle Parking, Storage, and Repairs.** Overnight parking on the private streets within the community is not permitted. Common area parking spaces are intended for the use of guests. See Article (6.07) of the Declaration for other restrictions regarding vehicles. *

3. **Tanks and Clotheslines.** No storage tanks of any kind shall be elevated above grade on any Lot, nor may any clotheslines be erected or placed on any Lot or on any part of the Common Area.

4. **Trash, Rubbish and Refuse.** No portion of any Lot shall be used for the storage of rubbish of any character whatsoever, nor shall any substance, thing, property or material be kept or placed upon any Lot that will emit foul or obnoxious odors. Normal household trash shall be stored in the garage pending regular trash pickup.

II. DESIGN GUIDELINES

A. Purpose.

1. To establish and preserve a harmonious design for the community;
2. To protect the value of property in the community;
3. To protect neighboring Owners from actions which may impact such matters as surface water drainage, sound and sight buffers, preservation of views, light and other aspects of design which may have substantial effects on a neighboring property;

4. To provide criteria for consistent decisions by the Design Review Committee (“DRC”);
5. To determine appropriate uses for the common area and to preserve its quality and beauty for all Owners.

B. Intent. The Guidelines allow individual identity, yet complement an overall community theme. While the Guidelines ensure that each Lot or Improvement relates to the overall community image, they do not inhibit innovative design. They provide clear direction and specific criteria for evolving an overall sense of community.

To this end, Owners are encouraged to review this entire document to better understand the relationship of each Lot or Improvement to the total design goals of the Community. All residential development within The Sanctuary on the Park is to abide by the applicable criteria established by these Guidelines in addition to the development standards established by applicable local government.

C. Relationship of these Guidelines to Other Regulations.

1. The Guidelines are not intended to supersede applicable federal, Colorado, or local codes or ordinances. In case of conflict or discrepancy, or for subjects not addressed in the Guidelines, the more restrictive Guidelines, governing agencies, codes and/or regulations shall take precedence.
2. The Guidelines are to be used by Owners when developing plans for consideration of Improvements or landscaping on individual properties.
3. The Guidelines will also be used by the DRC in reviewing proposals to determine their relative conformance to the overall design objectives and criteria.
4. The Guidelines are intended to cover each Lot or Improvement-specific issue, and Community issues such as edge treatments and relationships to adjacent land uses. The Guidelines are to be used in conjunction with the Declaration.

D. How to Use these Guidelines. The Guidelines are organized into major elements such as Architectural Design and Landscape Design, and procedural sections such as Submission of Plans by Owners and Owner Construction Period Rules. There are no established “number” of design criteria that must be met in each proposal. The relationship between or among design variables is dynamic, and each combination of elements is perceived differently. The Guidelines identify those elements that should be considered, and define performance characteristics the elements shall have -- but there is no “standard formula” for an “appropriate” design solution. In all instances, the DRC will consider the interrelationship of the design variables, and the specific criteria.

E. Architectural Design Guidelines. Compatibility with the established architectural theme is expected to be maintained.

1. **Color.** The color of exterior materials will be subdued to blend with the colors of the natural landscape. Earthtone color tones are recommended, although occasionally accent colors used judiciously and with restraint may be allowed. Use of highly chromatic or “bright” colors is to be avoided.
2. **Materials.** Exterior surfaces shall be materials that blend and are compatible with the Community and the landscape. Use of stucco and stone is preferred. Architectural “add-ons,” appliques or obviously simulated materials shall not be acceptable.
3. **Roofing.** All roofing is Boral-Lifetile concrete tile. Any replacement of individual tiles or full roof replacement shall be the same tile and color, or an approved equal if same is no longer available.
4. **Building Projections -- Matching of Components.** All projections including, but not limited to, chimney flues, vents, gutters, down spouts, porches, railings and exterior stairways, shall match the color of the surface from which they project or shall be of an approved color. Vents are to be painted to blend with the roofing.
5. **Garages.** Garage doors shall be painted a color that is compatible with the dwelling, not a contrasting color. Garage doors shall be kept closed when not in use.
6. **Siding.** Any replacement of siding or stucco shall be the same as existing materials, or an approved equivalent if same is no longer available, and shall be approved by the DRC.

7. **Decks, Patios and Extensions of Same.** Decks, patios and extensions (including stairs) must be approved by the DRC and must meet city/county building codes. Every effort to maintain consistency with existing materials and colors shall be made. Decks and patios are not to be used as permanent storage areas for non-deck/patio items.
8. **Awnings and Exterior Shades.** Selections shall be in earthtone colors consistent with the Improvement's exterior colors. Stripes or patterns will not be approved.
9. **Painting.** Color choice/field and trim: Selections shall be in earthtone colors consistent with the community's design and appearance.
10. **Storm and Security Doors, and Windows.** Selections shall be neutral, light colors consistent with the Improvement's colors and trim, and in a classic, simple design.
11. **Satellite Dishes and Antennae.** Except as approved by the DRC, no towers or radio, television, ham radio or civilian band radio, or weather antenna or similar device or equipment shall be erected placed or maintained on any part of the Lot, Improvement or common area. A satellite dish may be installed provided that it shall be one meter or less in diameter or diagonal measurement. The dish shall be installed so that it is not visible from the street, as long as signal reception is not impaired.
12. **Sidewalks and Driveways.** Concrete walks and driveways are not to be changed or expanded without the approval of the DRC.
13. **Dog Runs and Dog Houses.** Dog runs and dog houses are not permitted.
14. **Exterior Lighting and House Numbers.** These items are part of the expression or character of the community. Any changes to same must be approved by the DRC.
15. **Air Conditioning and Evaporative Coolers.** Location of air conditioning equipment must be approved by the DRC. No roof or window mounted evaporative coolers or air conditioning equipment will be permitted.
16. **Solar Devices.** Solar devices are not permitted.
17. **Hot Tubs and Spas.** Same will be permitted if placement of the hot tub or spa can be made so as to allow its use with minimal impact on all other Owners. DRC approval is required.
18. **Signage.** No signs of either a permanent or temporary nature may be exhibited on or within any Lot or Improvement unless a Lot and Improvement is for sale. At that time, one sign not more than 18 by 30 inches shall be used to post the sale of the Lot and Improvement. The sign may only be placed in the front yard. A temporary second sign may be used in the front yard of the Lot to notify prospective buyers of an "open house." Such signs shall be removed immediately upon the closing of the sale of the Lot and Improvement. The same conditions apply to "For Rent" signs.
19. **Building Code.** All Improvements shall conform to all applicable building codes and ordinances. In reviewing any matter, the DRC shall not be responsible for reviewing, nor shall its approval of any request be deemed approval from the standpoint of safety, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations.
20. **Items Disallowed Within the Community.**
 - a. Basketball hoops permanently attached to the Lot or Improvement. Requests for any temporary/movable hoops must be approved by the DRC. Any hoops approved by the DRC must be stored in garage when not in use and at night.
 - b. Striped or patterned awnings or external shades.
 - c. Sheds or playhouses.
 - d. Playground equipment such as jungle gyms, swing sets, etc.
 - e. Permanently affixed goal posts and nets (e.g., for soccer, football, etc.). Request for any temporary goals and nets must be approved by the DRC. Any goals and nets approved by the DRC must be stored in garage when not in use and at night.

F. **Landscape Design Guidelines.**

1. **Purpose and Intent.** The Landscape Design criteria are intended to supplement the Architectural Design criteria to integrate Improvements into the Community. Additionally, landscaping shall have compatibility with adjacent properties, the project's streetscape, and ultimately transition into perimeter landscaping. The DRC reserves the right to require landscape components as a part of the architectural approval, if in the opinion of the DRC, the architectural design needs specific assistance to meet the intent of the Design Guidelines.

2. **Fencing.** Invisible electric fencing is preferred for pet control. Four foot split rail rustic fencing on or within the property line, with wire mesh and adequate access for lawn maintenance, shall be discussed with the DRC. Requests for fencing must be approved by the DRC.

3. **Site Drainage and Grading.** All Improvements and landscape elements shall be placed on the Lot so that the existing topography shall be disturbed as little as possible. Finish grading shall be such as to prevent ponding or washing of water on the Lot and on adjacent property. Drainage shall be away from structures. Newly graded areas shall be protected against erosion. Location of topsoil stockpiles, barrow pits on site, and excess material disposal areas are subject to DRC approval. Owners are encouraged to utilize soils engineers and landscape professionals to help ensure proper drainage is maintained.

4. **Plant Materials.** All plant materials used in the landscape should be native or naturalized to the area. The Colorado Nurserymen's Association Rocky Mountain Plant Guide lists acceptable materials. Placement of any tree or large shrub (greater than 4 feet mature height) must be made with the views of neighbors in mind. Approval by the DRC shall be required for all such plant material.

5. **Lawns.** Lawn areas shall be kept at least three (3) feet away from the foundation of the Improvement or as recommended by a professional soils engineer or landscape professional, to ensure proper drainage is maintained.

6. **Foundation Plantings.** Planting beds shall surround the foundation of each structure and provide a minimum of three (3) feet of planting area from the Improvement's foundation to the lawn areas and as provided for above to ensure proper drainage. In all instances, watering near the foundation shall be minimal (e.g., drip systems) to avoid possible structural damage to the Improvement.

7. **Rock.** Planting beds visible from street or internal pathway may utilize rock. Rock should be light gray in color (i.e., river rock). Multi-colored rock (i.e., pink granite, dark red lava rock, or other colors) is discouraged. Large (six inches (6") in diameter or greater) river rock, moss rock, or other "feature" rock may be used as part of the landscape. All rock shall be placed over a weed barrier fabric and be kept in place with a steel, plastic or brick edger. All edging shall be installed to prevent damming of water near the foundation.

8. **Lighting.** No exterior lighting other than what was included with the original construction shall be allowed on any Lot or Improvement except with the written approval of the DRC. Subdued exterior lighting whose light source is not visible from adjoining dwellings may be allowed by the DRC for such purposes as illuminating entrances, decks, driveways, landscaping and parking areas, and other approved purposes such as seasonal decoration.

9. **Landscape Component Restrictions.** No artificial plants of any type are to be used in the landscape, except with the written approval of the DRC. Any area visible from a private right of way or street shall not have yard decorations such as plastic, fiberglass, concrete or iron animals, birds or human replicas, free-standing water features, windmills, or other agricultural equipment, wagon wheels, or other unnatural landscape element except with the written approval of the DRC.

10. **Large Pots, Barrels, Birdfeeders, Birdhouses, Birdbaths, Planters, Etc.** These items must be within the Owner's Lot and maintained at Owner's expense. Plans for same must be submitted to the DRC for approval.

G. Procedures for Obtaining Approval of Improvement Requests.

1. **Submission of Plans by Owners.** Plans and specifications for landscaping, Improvements to Lots or other items requiring the prior approval of the DRC will be submitted by Owners to the DRC as specified in the Declaration and according to the following submittal and review procedures. Any additions or changes to the exterior of one's Lot or Improvement, (including, but not limited to landscaping, air conditioning equipment, awnings, security doors and fences), and painting the exterior must be submitted to the DRC for approval. A Design Review Request form (in triplicate) must be sent to the DRC Chairperson. Forms may be obtained from the DRC Chairperson, or from the HOA Management Agent. Design plans, brochures on desired items, color choices, dimensions of item requested or any other information helpful to making an informed decision on final action for the request shall be provided with the Request form. The Declaration allows up to sixty (60) days for the DRC to act upon a request. If the DRC determines that the application does not contain sufficient information, the DRC may request additional information from the applicant, and the sixty (60) day time period shall commence upon receipt of such additional information. If a review fee is required, plans will not be reviewed until

the review fee is paid. Plan review fees may be paid at the time of submittal. The review fee schedule, if any, shall be determined by the DRC.

2. **Work in Progress.** After approval of any application, the proposed Improvement shall be accomplished as promptly and diligently as possible in complete conformity with the material provided with the application and any conditions imposed by the DRC. The DRC may inspect all work in progress and give notice of non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval of the DRC of work in progress or compliance with these Guidelines or the Declaration.

3. **Completed Work by Owners.** Upon completion of any Improvement by an Owner for which approval was given by the DRC, the Owner shall furnish a notice of completion to the DRC. In addition to the applicable provisions of the Declaration, and within such reasonable time as the DRC may determine, but never exceeding ten (10) days from receipt of such written notice of completion from the Owner or its duly authorized representative, the DRC may inspect the Improvements. If it is found that such work was not done in strict compliance with the plan submitted or required to be submitted for its prior approval, it shall notify the Owner in writing of such non-compliance, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the noncompliance within 60 days.

4. **Waiver or Estoppel.** No action or failure to act by the DRC or the HOA shall constitute a waiver or estoppel with respect to future action by the DRC or HOA with respect to any Improvement. Specifically, the approval by the DRC or HOA of any Improvement shall not be deemed a waiver of any right or an estoppel to withhold approval or consent for any similar Improvement or any similar proposals, plans specification or other materials submitted with respect to any other Improvement. In reviewing any matter, the DRC shall not be responsible for reviewing, nor shall its approval of any Improvement be deemed approval from the standpoint of safety, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations.

5. **Failure to Submit.** Failure to submit such additions or changes, for approval as set out above is a violation of the Declaration and may result in a fine or legal action. A copy of all approved Design Review Request forms shall be sent to and maintained by the Property Management company, and made available for Owner review.

6. **Right of Waiver.** The DRC reserves the right to waive or vary any of the procedures or standards set forth in these Guidelines at its discretion for good cause shown.

7. **Non-Liability of the DRC.** The DRC and the members thereof, as well as any representative of the Board designated to act on its behalf, shall not be liable in damages to any person submitting requests for approval or for any approval, or failure to approve or disapprove in regard to any matter within its jurisdiction under these covenants. Neither the Board nor the DRC shall bear any responsibility for ensuring the design, quality, structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes, zoning regulations and other governmental requirements.

8. **Enforcement.** These Guidelines shall be enforced by the DRC or the Association as provided in the Declaration.

9. **Owner Construction Period Rules.** In the interest of all Owners, the following regulations shall be enforced during the construction period of any Improvements on a Lot. These regulations shall be a part of the construction documents and contract for each Lot and Improvement, and all contractors and Owners shall abide by these regulations.

a. **Construction Hours.** Construction work on any structure or building site shall not commence before 7:00 a.m. or continue after 7:00 p.m. every day.

b. **Excavation.** Excess excavation material may be required to be removed from the property. Excavation, except utility trenching, shall be on the Owner's site only. If excavation must extend onto property other than that owned by the Owner, the Owner must get the written permission of the other Owner and must restore that property to its original condition.

c. **Debris and Trash Removal.** Daily cleanup of construction sites of Owners is mandatory. All trash and debris shall be stored in a fenced or other appropriate trash disposal area and shall be removed from the trash disposal area on a periodic basis. All street(s) and open space shall be kept free of debris or soil from construction on an Owner's Lot.

d. **Vehicles and Parking.** Owner will be responsible for any damage caused by a construction vehicle related to work on his Lot or Improvement. Parking areas for construction vehicles and the vehicles of construction workers shall be in common area parking.

e. **Restoration of Lot.** Upon completion of construction, each Owner shall clean the construction site and repair all damaged property. Repairs shall include, but shall not be limited to, restoring grades, planting shrubs and trees as approved or required by the DRC, repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing. In addition, the Owner shall be held financially responsible for the cost of site restoration/re-vegetation and refuse removal required on all adjacent properties because of trespass or negligence by their employees or subcontracted agents.

f. **Noise and Odor.** Reasonable efforts shall be made to control noise and odor emitted from construction areas.

10. **Amendments.** The DRC shall have the right to amend and modify these Guidelines any time in its sole discretion. Copies of all modifications or amendments shall be sent to each Owner of record within thirty (30) days after their adoption, or may be held by the DRC or the Association for distribution upon request.

III. MAINTENANCE GUIDELINES

A. Common Area Maintenance. The Common Areas include the private streets, as well as tracts of land around the central detention basin and between Lots 5 and 31. The central detention basin area and the large tract of land to the west of Lot 1 are owned by the government and are not the maintenance responsibility of the HOA.

1. The HOA hires a contractor to mow the native grass in common areas two to three times a year.
2. The HOA hires a contractor to maintain the common areas at the entrances of the community and along Jordan Road and Caley Avenue.
3. The HOA hires a contractor to remove snow from private streets and parking areas. The Board establishes how much snow must accumulate before it will be removed. Contact the Board or Property Manager to determine what the current standard is.

B. Individual Lot Maintenance.

1. The HOA hires a contractor to provide landscape care including maintenance of grass, rock/mulch areas, and sprinkler systems. The Board has established that landscape care will be provided to enclosed/fenced areas as long as there is adequate access and no pets are present.
2. Twice a year (spring and fall) the landscape contractor will perform a general clean-up around the individual Lots.
3. Owners are responsible for maintenance of their shrubs, trees and gardens.
4. The HOA hires a contractor to remove snow from individual Lots and sidewalks to the front door. The Board establishes how much snow must accumulate before it will be removed. Contact the Board or Property Manager to determine what the current standard is.

C. Trash Removal.

1. The HOA hires a contractor to remove trash on a weekly basis. Owners are responsible for placing trash containers at the street in front of their homes, no sooner than 7:00 p.m. the night before the assigned pick up day. Trash placed at the street the night before the assigned pick up day must be stored in a container capable of withstanding the effects of the weather and wildlife. Trash containers must be removed from the street on the evening after the trash has been picked up.

IV. ADOPTION OF ARCHITECTURAL DESIGN/MAINTENANCE GUIDELINES

The above Guidelines were adopted by the Design Review Committee, the Maintenance Committee and the Board of The Sanctuary On The Park Homeowners Association on 11/18/04.

Carol Race, Chair, Design Review Committee

Jim Smith, Chair, Maintenance Committee

Rale R. [Signature], Secretary, Board of Directors

V. ADOPTION OF RULES

The above Rules were adopted by the Board of The Sanctuary On The Park Homeowners Association on 11/18/04.

Rale R. [Signature], Secretary, Board of Directors

