

WOODGATE TERRACE HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL GUIDELINES/ RULES AND REGULATIONS
June 2012

The following guidelines have been established pursuant to Article II, Section II of the Declaration of Covenants, Conditions, and Restrictions of the Woodgate Terrace Homeowners Association (“Declaration”) and Colorado Statute 38-33.3-302(1)(a) for the authority to adopt these guidelines and rules in order to direct the Board of Directors and/or the Architectural Review Committee in making decisions approving or disapproving Design Review plans submitted to it pursuant to the Article X of the Declaration of the Woodgate Terrace Homeowners Association, and when deciding upon appropriate corrective actions against non-conforming architectural changes.

The further purpose of the guidelines is to provide homeowners with directions when planning or considering architectural and drafting plans and specifications to be submitted to the Architectural Review Committee (“Committee”) for approval. These guidelines do not supersede the Articles of Incorporation, Bylaws, or the Declaration of Woodgate Terrace Homeowners Association. Furthermore, the homeowner is responsible for ensuring all submittals meet all applicable Federal, State, and local zoning laws and regulatory codes applicable to their real estate and permitting requirements and approval is contingent on the compliance with the Federal, State, and local laws, codes, and requirements.

The following guidelines are intended to assist the maintenance of harmonious exterior design, materials, decoration, color, and locations of all architectural changes. The harmony will retain the aesthetic and economic value of individual properties, as well as the entire Community. The guidelines are intended to be broad enough to allow each property owner to exercise individual taste, and to provide a broad parameter within which all architectural changes must fit.

The following is a list, in alphabetical order, of a wide variety of specific types of improvements which homeowners typically consider installing, with pertinent information as to each. Unless otherwise specifically stated, drawings or plans of a proposed improvement must be submitted to the Architectural Review Committee, and the written approval of the Committee obtained before construction of the improvement is commenced. In some cases, where specifically stated, a type of improvement is prohibited. **If you are considering an improvement not listed below, Committee approval is required.**

C.R.S 38-33.3-302 (1) (a) authorizes the Association to adopt and amend Bylaws, Rules and Regulations. Please refer to the SB-100 policies for further information.

Accessory Buildings (Sheds)- Committee approval is required. Accessory Buildings (sheds) will require submission of detailed plans, specifications, materials, location to include property lines, easements, rights of way, and set backs, size of the shed, and all applicable city permits.

Additions and Expansions

Committee approval is required. Additions or expansions to homes will require submission of detailed plans, specifications, materials, location to include property lines, easements, rights of way, and set backs, size of addition, and applicable city permits.

Address Sign

All homes must display house numbers in a size suitable to be seen from the street. Numbers on the home should match existing hardware on the home. Other styles, colors, and sizes must have written approval from the Committee.

Advertising Signs

All trade signs, which include, but are not limited to, landscaping, painting, and roofing; may only be displayed while work is in progress; and must be removed upon completion of the job. With the exception of political signs (as defined in Colorado Revised Statute 38-33.3-106.5), and for sale and for rent signs, all other advertising signs must have written approval from the Committee.

Air Conditioning Equipment/Swamp Coolers

Air conditioning equipment and swamp coolers are allowed; Committee approval is required for placement. Window air conditioners are allowed, but shall not be placed above the garage where visible to the street.

Animals/Household Pets

Per Article IX, Section 5 of the Declaration:

No animals, livestock, poultry, or bees, of any kind, shall be raised, bred, kept, or boarded in or on the common areas.

The Board of Directors shall have the right and authority to determine in its sole discretion that dogs, cats, or other household pets are being kept for commercial purposes or are being kept in such number or in such manner as to be unreasonable or to create a nuisance, or that an Owner is otherwise in violation of the provisions of this Paragraph. The Board of Directors shall take such action or actions, as it deems reasonably necessary to correct the violation.

Household pets shall not be allowed to run at large within the Planned Community, but shall at all times be under the control of such pet's Owner and such pets shall not be allowed to litter the Common Areas. Dogs shall be on leashes while in the Common Area.

Each owner is responsible for cleaning up his or her pet's waste from any Lot or Common Area. Failure to clean up after your pet may result in, among other things, fines being assessed. In the event of a continuing violation, or a violation that could constitute a health and safety issue, the Association can seek injunctive

relief.

No animals shall be tied or chained to or on any patio, deck, or other portion of any Owner's Lot in the Planned Community, and any animals so tied or chained may be removed by the Board of Directors.

All animal behavior and breed must be in compliance with local ordinances.

Antennae/Satellite Dish

Antennae's and satellite dishes are allowed subject to FCC Regulations.

Barbecues and Grills

Allowed.

Basketball Backboards/Basketball Hoops

Committee approval is required and subject to approval of placement, color, materials, and design of basketball backboards and hoops affixed to the Lot or improvements on the Lot. Portable freestanding basketball boards are approved if reasonably placed for play, not placed on city sidewalks, do not cause a safety issue to driving vehicles.

Birdbaths, Birdhouses & Bird feeders

Committee approval is required for all Birdbaths, Birdhouses, and Bird feeders in common areas.

Boats, Trailers, Motorhomes, and Junk Cars

Per Article IX, Section 9 of the Declaration:

No portion of the common area or any Lot, unless specifically designated by the Association therefore, shall be used as a parking, storage, display, or accommodation area for any type of house trailer, camping trailer, boat trailer, hauling trailer, running gear, boat, or accessories thereto, truck larger than $\frac{3}{4}$ ton, or self-contained motorized recreational vehicle, except as a temporary expedience for loading, delivery, or emergency. This restriction, however, shall not restrict trucks or other commercial vehicles upon the common area or any lots, which are necessary for the construction of homes or the maintenance of the Common Area, Lots, or any improvements located on the Properties.

No abandoned or inoperable automobiles or vehicles of any kind shall be stored or parked on the Common Area or any Lot. An "abandoned or inoperable vehicle" shall be defined as any automobile, truck, motorcycle, boat, trailer, camper, house trailer, self contained motorized recreational vehicle, or other similar vehicle which has not been driven under its own propulsion for a period of two (2) weeks or longer or which does not have an operable propulsion system installed therein; provided, however, that otherwise permitted vehicles parked by Owner while on vacation or during a

period of illness shall not constitute abandoned or inoperable vehicles.

Inoperable vehicles include failure to display current and proper license plates, a vehicle that cannot be safely operated on the public streets and highways, vehicles that are not being used on a frequent basis.

In the event that the Association shall determine that a vehicle is an abandoned or inoperable vehicle, then a written notice describing said vehicle shall be delivered to the owner thereof giving the owner the opportunity to be heard. If a vehicle is blocking the ingress or egress to other owners or parking in a fire lane notice shall be conspicuously placed upon the vehicle and if such vehicle is not removed within seventy-two [72] hours thereafter, the Association shall have the right to remove the vehicle at the sole expense of the owner.

No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting, or servicing of any kind of vehicles, trailers or boats may be performed on the Common Area or upon any Lot except within the confines of the private garage located on any Lot.

All vehicles must have and display proper current registration.

Campers See Boats.

Carport Carports are not allowed.

Clothes Lines and Hangers- clothes lines and hangers must be in backyard only.

Decks

Committee approval is required. Submission shall require detailed plans, specifications, materials, location, to include property lines, easements, rights of way, and set backs. A complete set of construction plans showing dimensions with a plan and profile must be submitted. A City of Aurora permit will be required prior to start of construction. Must be constructed of wood or other material similar to the material of the residence and must be treated or painted in similar or in what is generally accepted as a complementary color to residence. Must be installed as an integral part of the residence and patio area, and must be located so as not to obstruct or greatly diminish the view, or create an unreasonable level of noise for adjacent property owners. Construction shall not occur over easements and must be set back according to city code.

Dog House and Runs

Committee approval is required. Consideration may include, but is not limited to, location in “rear” yard and abutting the home, proximate to neighbor’s residence, “screened” from view, type of cover if utilized, limited in size to 250 square feet, and no higher than the existing perimeter fence. All dog waste must be removed frequently.

Drainage

Committee approval is required for any change affecting drainage. Prior to any changes being made engineering reports must be submitted showing that the change does not adversely affect the drainage pattern.

Evaporative Coolers

Committee approval is required for location of the cooler. Evaporative coolers are allowed under Colorado Revised Statute 38-33.3-106.5.

Exterior Lighting Committee approval is required for changes to exterior lighting.

Fences

Committee approval is needed prior to construction of any fence. Owners are responsible for the maintenance and repair of the privacy fences.

Flagpoles

Committee approval is required for flagpole location, design, material, and construction.

- A flag size is three (3) feet by five (5) feet or less.
- One wall mount bracket per home is allowed.

Flower Gardens

Committee approval is required if planted in the common area; all flower gardens must be properly maintained and cared for.

Garbage and Garbage Containers

No trash, litter, scrap refuse, or debris of any kind shall be permitted to remain exposed upon any Lot. These items must never be in full view of the Private Street or common areas and should not create a visual nuisance to neighbors unless normal trash pick-up will occur within 24-hours. These items should be stored in garage, behind adequate fencing, or in an approved shed.

Hot Tubs

Committee approval is required. The hot tub must be an integral part of the deck or patio area and the rear or side yard landscaping, and must be installed in such a way that it is not immediately visible to adjacent property owners and that it does not create an unreasonable level of noise for adjacent property owners. Top of the tub shall not extend above fence level.

Inoperable Vehicles –

See Boats.

Overhangs – Retracted awnings

Committee approval is required. The color must be the same as or generally recognized as a complementary color to the exterior of the residence. No aluminum or fiberglass awnings are allowed.

Painting-

The only colors that will be approved are colors that are consistent with the community. After selecting paint colors, please submit a sample on the color you would like or paint a sample on the side of your home to ensure that the color will blend with the community and then please notify the management company when complete. The Board or Committee will look at the colors and either approve or disapprove.

Approval is required even if you are painting your home the same color. What was approved before may not be approved again.

Patio Covers

Committee approval is required as well as a City building permit. Patio covers must be constructed of wood or material generally recognized as complementary to the home and be similar or generally recognized as complementary in color to the colors in the house. Covered patios may violate building coverage standards set by City of Aurora.

Patios - Enclosed

See Additions and Expansions.

Patios - Open

Committee approval is required. Patios must be:

- an integral part of the landscape plan
- must be located so as not to create an unreasonable level of noise for adjacent property owners.
- must be similar to and generally accepted as a complementary color and design of the residence.
- must be located so as not to block or impede any existing drainage pattern on the Lot.

Patio Furniture

Furniture may include chairs, tables, settees, or loungers, which are suited for use on a patio only, and which will not be damaged by exposure to rain, sun or other outdoor elements. **Indoor couches, chairs, recliners are not allowed to be used on any patios.**

Play and Sports Equipment

Committee approval is required. All equipment of reasonable size must be stored out of view when not in use, excluding large equipment, such as swing sets, large play equipment.

Poles See Flagpoles.

Political Signs

The association **may** not prohibit the display of a political sign by the owner or occupant of a unit on a property within the boundaries of the unit

or in a window of the unit; except that the association **does** prohibit the display of political signs earlier than **forty-five (45)** days before the day of an election and later than seven (7) days after an election day.

The association may regulate the size and number of political signs and it is FURTHER RESOLVED, the association **will** permit at least one political sign per political office or ballot issue that is contested in a pending election, and the maximum dimensions of each sign may be limited to the lesser of the following: (a) the maximum size allowed by any applicable city, town, or county ordinance that regulates the size of political signs on residential property; or (b) thirty-six inches by forty-eight inches.

"Political sign" means a sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.

Pools

Not allowed since Association has a community pool.

Radio Antennae

See antennae.

Roofing Material

Committee approval is required even if one of the pre-approved colors is used. The committee must approve shingle material in addition to color. All shingle material must meet the City of Aurora requirements and permits must be provided.

The following are pre-approved shingle colors.

- Black Walnut (Tamko)
- Rustic Cedar (Timberline)
- Thunderstorm Grey (Tamko)

Any other color must be approved by the Board of Directors or the Architectural Control Committee.

Rooftop Equipment

Rooftop Equipment is not allowed.

Saunas See Additions and Expansions.

Screen/Security Doors

Screen/Security doors that match one of the paint colors on your home

do not need committee approval.

Seasonal Decorations Permitted with the following qualifications and conditions: Christmas decorations shall not be displayed prior to Thanksgiving and must be removed within sixty (60) days of the holiday:

- No audible music shall be allowed.
- Other holiday decorations should be removed within (60) days of celebrated holiday.
- No decoration shall be displayed in such manner as to be offensive to the neighborhood or to create a public nuisance.

Siding Committee approval is required. All submissions must include detailed plans, specifications, materials, and colors.

Signs

Committee approval is required for all signs except temporary real estate “for sale”, “for rent”, or “for lease” signs. Temporary signs, advertising property for sale or garage sales which are not more than five (5) square feet, may be installed on the lot without Committee approval. “Open house”, “for sale” , or “garage sale” signs may be placed in common areas without Board approval, but cannot exceed three (3) days. No lighted signs will be permitted.

Solar Energy Devices

Committee approval is required for placement of all passive and active solar systems. Solar panels are allowed on the single-family homes only. Solar panels are allowed per Colorado Revised Statute CRS 38-30-168. Location of generators must be approved.

Spas See Hot Tubs.

Swamp Coolers-

Swamp coolers are allowed Committee approval is required for placement. All Swamp Coolers must be placed on the side of home, not in view from the street.

Temporary Structures

No Temporary house trailer, tent, garage or outbuilding shall be placed or erected upon part of the Planned Community for a period of longer than 24 hours except with the prior written approval of the Committee obtained in each instance. No dwelling Unit located upon the Planned Community shall be occupied in any manner at any time prior to its being fully completed in accordance with approved plans nor shall any Dwelling Unit when completed, be in any manner occupied until there is compliance with all requirements, conditions, covenants, and restrictions herein set forth.

Temporary Vehicles

No cars which are being repaired, restored, or otherwise being worked on may be kept on any Lot unless in the garage.

Trash/Trash Can(s) See Garbage Collection.

Tree Houses Tree houses are not allowed.

Walls – Retaining Committee approval is required.

Wells Wells are not permitted.

Windows

Committee approval is required. Sunshade (dark) screens on windows do not need Committee approval. Window screens must be kept in good repair.

Window Coverings:

Window coverings shall not be of reflective materials (foils) so as to be noxious or offensive to the neighboring homes. All window coverings shall be kept in good repair. No temporary window coverings such as sheets or towels will be permitted.

Failure to get approval where required could result in fines and/or legal or equitable proceedings to enforce the provisions contained in the Declaration, the Bylaws, the rules and regulations, or the design guidelines.

These Policies, Procedures, and Rules shall become effective **15 days** after the same is published to the members via U.S mail, postage prepaid, addressed to the property within the Community, unless the Member requests the Association to use another address in writing. A member's failure to so receive a copy of these Policies, Procedures, and Rules shall not be a defense to the Association's action to enforce these Policies, Procedures, and Rules.

WOODGATE TERRACE HOMEOWNERS ASSOCIATION, INC.
COVENANT AND RULE ENFORCEMENT POLICY AND PROCEDURES

Effective Date: January 1, 2006

In compliance with the Colorado Common Interest Ownership Act, the Board of Directors desires to adopt a uniform and systematic policy to address covenant and rule enforcement.

The Association hereby adopts the following policies and procedures for covenant and rule enforcement:

1. Enforcement Procedure. The Board shall not impose fines unless and until the Association has sent or delivered written notice to the Owner as provided below. However, compliance with the notice and hearing procedure set forth below is not required for the following: late charges on delinquent assessments, suspension of voting rights if an Owner is shown on the Association's records to be delinquent in payment of assessments, in which case suspension shall be automatic;

A. Complaint. Any Owner within the community may send the Association a formal, written complaint via electronic e-mail or regular mail of a covenant or rule violation; with as much information as is known. Complaints may also be initiated by the Manager, any member of the Board of Directors. Complaints that can't be independently verified by a Board member or the Association's management agent must be in writing. The Board shall have no obligation to consider oral complaints or anonymous complaints. The Board shall have the authority to determine whether a written complaint is justified before continuing with the Notice and Hearing Procedure.

B. Notice of Alleged Violation. A Notice of Alleged Violation of any provisions of the Declaration, Bylaws, Rules and Regulations, or Resolutions shall be provided in writing to the applicable Owner as soon as reasonably practicable following the receipt of a complaint or discovery by the Board of such violation. The Board may also, as its option, provide a copy of such notice to any non-Owner violator. The notice shall describe the nature of the violation and the possible fine that may be imposed, the right to request a hearing before the Board to contest the violation or possible fine, and may further state that the Board may seek to protect its rights as they are specified in the governing legal documents. For purposes of this policy, warning notices shall be considered routine notices. All other covenant violation notices shall be delivered by messenger or sent by certified or registered mail.

C. Request for Hearing. If an Owner desires a hearing to challenge or contest any alleged violation and possible fine, or to discuss any mitigating circumstances, the Owner must request such hearing, in writing, within 14 days of the date of the Notice of Alleged Violation. The request for hearing shall describe the grounds and basis for

challenging the alleged violation or the mitigating circumstances. In the event a proper and timely request for a hearing is not made as provided herein, the right to a hearing shall be deemed forever waived. If a hearing is not requested within the 14 day period, the Board shall determine if there was a violation based upon the information available to it, and if so, assess a reasonable fine as set forth in the fine schedule, within 30 days of the expiration of the 14 day period. The Board of Directors shall give written notice of said fine to the applicable Owner.

- D. Board of Directors to Conduct Hearing. The Board shall hear and decide cases set for hearing pursuant to the procedures set forth herein. The Board may appoint an officer or other Owner to act as a Presiding Officer at any of the hearings. The Board shall determine whether a violation exists and impose fines.
- E. Conflicts. Any Board member who is incapable of objective and disinterested consideration on any hearing before the Association shall disclose such to the President of the Association prior to the hearing on the case. If possible, or, if advance notice is not possible, then such disclosure shall be made at the hearing, and the Board member shall be disqualified from all proceedings with regard to the hearing. If disqualification of any Board member(s) results in an even number of remaining Board members eligible to hear a case, the Presiding Officer may appoint an Association member, in good standing, to serve as a voting member of the hearing board.
- F. Hearing. The Board shall inform the Owner of the scheduled time, place and date of the requested hearing by certified mail. The Presiding Officer may grant continuances for good cause. At the beginning of each hearing, the Presiding Officer shall establish a quorum, explain the rules, procedures and guidelines by which the hearing shall be conducted and shall introduce the case before the Board. The complaining parties and the Owner shall have the right, but not the obligation to be in attendance at the hearing. Each party may represent evidence, testimony, and witnesses. The decision of the Board at each hearing shall be based on the matters set forth in the Notice of Alleged Violation and Hearing. Request for Hearing, and such evidence as may be represented at the hearing. Unless otherwise determined by the Board of Directors in accordance with the terms of the Colorado Common Interest Ownership Act, all hearings shall be open to attendance by all members of the Association. If a complaining party is unable to attend the Hearing, he or she may instead submit a letter to the Board explaining the basis of the complaint.
- G. Decision. After all testimony and other evidence have been presented to the Board at a hearing, the Board shall render its written findings and decision, and impose a reasonable fine. If applicable, within 30 days after the hearing. A decision, either a finding for or against an

Owner, shall be by a majority vote of the Board of Directors or hearing body. The Board may also issue and record with the Clerk and Recorder, a Notice of Violation. Upon notice of satisfactory compliance with the Association's governing documents, the Notice of Violation may be released by the Association issuing and recording a Release of Notice of Violation.

2. Fine Schedule.

A. The following fines are guidelines for violation of the provisions of the Declaration, Bylaws, Rules and Regulations and Resolutions of the Association:

First Violation: Warning Letter
Second Violation up to \$50.00
Third Violation up to \$100.00
Fourth Violation up to \$125.00
Subsequent Violations up to \$125.00

The Board reserves the right to fine for first violations of rules that involve health and safety issues and other violations where a warning may not be deemed necessary by the Board in its reasonable discretion. Additionally, upon prior written notice, the Board reserves the right to levy fines in excess of the above referenced schedule. If the fines set forth in this schedule are not likely to provide effective incentives to induce compliance.

The Board may waive all, or any portion, of the fines, if, in its reasonable discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any portion thereof, upon the violator coming into compliance with the Declaration, Bylaws, or rules.

B. All fines shall be due and payable upon notice of the fine and will be late if not paid within 10 days of the date that the Owner is notified of the imposition of the fine. A late charge in the amount of \$20.00 shall be imposed on all fines not paid within 10 days of the due date. An interest charge of 18% per annum shall accrue from the due date on all fines not paid within 30 days of the due date. All fines and late charges shall be considered an assessment and may be collected as set forth in the Declaration. Fines shall be in addition to all other remedies available to the Association pursuant to the terms of the Declaration and Colorado law, including the Association's right to collect attorney fees as authorized by Colorado law.

3. Additional Enforcement Rights.

A. Legal Action. The Association, at any time, may pursue legal action against and Owner to enforce the provisions of the Declaration,

Bylaws, rules or resolutions without first following the preceding notice and hearing procedures, if the Board determines that such action is in the Association's best interests.

B. Assessments for Negligence. Pursuant to the Declaration, if the need for maintenance, repair, or reconstruction of the Common Area, a Lot, or any improvement(s) located thereon, is caused by the willful or negligent act or omission of any Owner or member of the Owner's family, or a guest or other invitee of such Owner, the cost of repair, maintenance or reconstruction shall be the personal obligation of the Owner, a lien against the Lot and may be collected as provided for in the Declaration and Collection Policy.

C. Suspension of Right to Vote. The right of an Owner to vote shall be automatically suspended if the Owner(s) has not paid any assessment, fee, or other charge within 10 days of the due date. An Owner's right to vote may also be suspended, for a period of not to exceed 60 days for any infraction of the Association's rules and regulations.

4. Failure to Enforce. Failure of the Association to enforce the Declaration, Bylaws, rules and resolutions will not be deemed a waiver of the right to do so for any subsequent violations or of the right to enforce any of the above referenced governing documents for the Association.