

**DESIGN GUIDELINES
AND
RULES AND REGULATIONS

OF

MOUNTAIN BROOK METROPOLITAN
DISTRICT**

Adopted by the Board of Directors on 3/24/2025

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1 INTRODUCTION

1.1 Basis for Rules and Regulations

These Design Guidelines (the “Rules”) are intended to assist Owners living in the Mountain Brooks community (the “Community”). Pursuant to the Creekside at Mountain Brook Single Family Covenants, Conditions and Restrictions (“Declaration”), recorded at Reception No. 03993985 as may be amended from time to time, the Mountain Brook Metropolitan District (“District”) is authorized to adopt rules and regulations for the Community.

1.2 Definitions

All capitalized words and phrases used in these Rules shall have the meaning provided in the Declaration unless otherwise defined herein.

1.3 Contents of Rules

In addition to the introductory material, these Rules contain (A) a summary of procedures for obtaining approval from the ACC (see Section 2); and (B) a listing of specific types of improvements that Owners might wish to make with specific information as to each of these types of improvements (see Section 3).

1.4 Design Review Committee or Representative

The DRC consists of persons, representatives or a committee appointed to review requests for approval of architectural or site changes.

1.5 DRC Contact Information

The contact information of the DRC, persons, committee or representative authorized to administer the architectural review process is:

COMPANY NAME	OFFICE	E-MAIL
<u>Cohere Life</u>	<u>720-634-8023</u>	<u>Mountainbrook@coherelife.com</u>

1.6 Effect of Declaration

The Declaration governs the Community. Each Owner should review and become familiar with the Declaration. Nothing in these Rules supersedes or alters the provisions or requirements of the Declaration and, if there is any conflict or inconsistency, the Declaration will control.

1.7 Effect of Governmental and Other Regulations

Use of property within the Community and any Improvements must comply with any applicable building codes and other governmental requirements and regulations. Owners are encouraged to contact Boulder County (“County”) and the City of Longmont (“City”) for further information and requirements for Improvements they wish to make.

APPROVAL BY THE DRC DOES NOT CONSTITUTE ASSURANCE THAT IMPROVEMENTS COMPLY WITH APPLICABLE GOVERNMENTAL REQUIREMENTS OR REGULATIONS OR THAT A PERMIT OR APPROVALS ARE NOT ALSO REQUIRED OR WILL BE ISSUED FROM APPLICABLE GOVERNMENTAL BODIES.

1.8 Interference with Utilities

In making Improvements to property, Owners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Owners should not construct any Improvements over such easements without the consent of the District and the utility involved, and Owners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting:

**Utility Notification Center of Colorado
1-800-922-1987 OR 811**

1.9 Goal of Rules

Compliance with these Rules and the provisions of the Declaration will help preserve the inherent architectural and aesthetic quality of the Community. It is the responsibility of the DRC to ensure that all proposed Improvements meet or exceed the requirements of these Rules and to promote the highest quality design for the neighborhood. It is important that Improvements to property be made in harmony with and not detrimental to the rest of the Community. A spirit of cooperation with the DRC and neighbors will go far in creating an optimum environment, which will benefit all Owners. By following these Rules and obtaining prior written approval for Improvements to property from the DRC, Owners will be protecting their financial investment and will help ensure that Improvements to property are compatible with standards established for the Community. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Rules, the DRC’s interpretation shall be final and binding.

2 PROCEDURES FOR DRC APPROVAL

2.1 General

The procedures set forth in this Article 2 are intended to clarify the terms, provisions and requirements of the Declaration. In the event of any conflict between these rules and the Declaration, the terms of the Declaration shall control. As indicated in Section 3 of these Rules, there are some cases in which advance written approval of the DRC is not required if the Rules with respect to that specific type of Improvement are followed. In a few cases, as indicated in the Declaration, a specific type of Improvement is not permitted under any circumstances. In all other cases, including Improvements not included in Section 3, advance, or prior written approval by

the DRC is required before an Improvement to property is commenced.

2.2 Drawings or Plans

Owners are required to submit to the DRC a completed Architectural Control Request Form (“DRC”), which forms are available from the person or entity listed in Section 1.5, and complete plans and specifications, in duplicate, (said plans and specifications to show exterior design, height, materials, color, location of the structure or addition to the structure, plotted horizontally and vertically, location and size of driveways, general plan of landscaping, fencing, walls, windbreaks and grading plan, as well as such other materials and information as may be required) prior to commencement of work on any Improvement to property. In most cases, the materials to be submitted will *not* have to be professionally prepared by an architect, a landscape architect, or draftsman, and a simple drawing with dimensions and description will be sufficient. In the case of major improvements, such as room additions, structural changes or accessory building construction, detailed plans and specifications, prepared by a licensed architect, may be required. Whether done by the Owner, or professionally, the following guidelines should be followed in preparing drawings or plans:

- A.** The drawing or plan should be done to scale and shall depict the property lines of your Lot and the outside boundary lines of the home as located on the Lot. If you have a copy of an improvement survey of your Lot obtained when you purchased it, this survey would be an excellent base from which to start.
- B.** Existing Improvements, in addition to your home, should be shown on the drawing or plan and identified or labeled. Such existing Improvements include driveways, walks, decks, trees, shrubs, fences, etc. The proposed Improvements should be shown on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed Improvement, including the materials to be used and the colors. For Example: Redwood deck, ten (10) feet by twelve (12) feet with two inches by four inch (2” x 4”) decking and natural stain.
- C.** The plan or drawing and other materials should include the name of the Owner, the address of the home, the lot, block and filing number of the Lot, and the e-mail address and telephone number where the Owner can be reached.
- D.** The proposed Improvements must take into consideration the easements, building location restrictions and sight distance limitations at intersections.
- E.** Owners should be aware that many Improvements require a permit from the County, the City or other governmental entity. The DRC reserves the right to require a copy of such permit as a condition of its approval.
- F.** In some instances, elevation drawings of the proposed Improvement will be required. The elevation drawings should indicate materials.
- G.** Photographs of existing conditions and of proposed materials and colors are encouraged to be included, and are helpful to convey the intended design, but should not be used solely to describe the proposed changes.

2.3 Submission of Drawings and Plans

One copy of the drawing or plans (minimum acceptable size 8.5" x 11") must be submitted to the DRC along with a completed ACR; these may be submitted electronically. Color photographs, brochures, paint swatches, etc. will help expedite the approval process. Specific dimensions and locations are required. A copy of the plat plan must be submitted with proposed Improvements indicated as a part of the submission. These can also be submitted electronically.

Any costs incurred by the DRC for review of submittals shall be borne by the Owner and shall be payable prior to final approval. Any reasonable engineering consultant fees or other fees incurred by the DRC in reviewing any submission will be assessed to the Owner requesting approval of the submission.

2.4 Action by DRC

The DRC will meet as required to review plans submitted for approval. The DRC may require submission of additional information or material, and the request will be deemed denied until all required information and materials have been submitted. The DRC will act upon all requests in writing within forty-five (45) days after the complete submission of plans, specifications, and other materials and information as requested by the DRC. If the DRC fails to review and approve in writing (which may be with conditions and/or requirements) or disapprove, a request for architectural approval within forty-five (45) days after the complete submission of the plans, specifications, materials and other information with respect thereto, such request is deemed rejected by the DRC. Notwithstanding the preceding, in the event the DRC fails to approve requests for Fire Hardened Building Material as defined at C.R.S. 38-30-168 within 60 days, the application shall be deemed approved.

2.5 Revisions and Additions to Approved Plans

Any revisions and/or additions to approved plans made by the Owner or as required by any governmental agency, must be re-submitted for approval by the DRC. The revised plans must follow the requirements as outlined above.

2.6 Completion of Work

After approval (which may be with conditions and/or requirements) of any proposed Improvement by the DRC, the proposed Improvement shall be completed and constructed as promptly and diligently as possible, and in complete conformity with all conditions and requirements of the approval. Failure to complete the proposed Improvement within one year from the date of the approval shall result in the Improvement being rejected. The DRC may grant extensions of time to individual Owners for completion of any proposed Improvements, either (a) at the time of initial approval of such Improvements, or (b) upon the request of any Owner, provided such request is delivered to the DRC in writing and the Owner is diligently prosecuting completion of the subject Improvements or other good cause exists at the time such request is made.

2.7 Requirements for Initial Installation of Backyard Landscaping & Fencing

Perimeter fencing and landscaping shall be completed within 120 days after initial conveyance of the property to the owner, weather permitting. Lots closing from a conveyance of a Builder between September 15th and April 15th are granted an automatic extension to have the landscaping installed by May 30th of the upcoming planting season. Should an extension be foreseen due to time of year, written notice must be made to the DRC prior to the 9-month expiration, at which time; the DRC will issue a new time requirement to the owner.

2.8 Inspection of Work

The DRC, or its duly authorized representative, shall have the right to inspect any Improvement at any time, including prior to or after completion, in order to determine whether or not the proposed Improvement is being completed or has been completed in compliance with the approval granted pursuant to this Section.

2.9 Notice of Non-Compliance

If, as a result of inspections or otherwise, the DRC determines that any Improvement has been done without obtaining all required approvals (which may be with conditions and/or requirements), or was not done in substantial compliance with the approval that was granted, or has not been completed by the Completion Deadline, subject to any extensions of time granted pursuant to Section 2.6 hereof, then the DRC shall notify the District, and the District shall then notify the applicant in writing of the non-compliance (the "Notice of Non-Compliance"). The Notice of Non-Compliance shall specify the particulars of the non-compliance.

2.10 Correction of Non-Compliance

If the DRC determines that a non-compliance exists, the Person responsible for such non-compliance shall remedy or remove the same within not more than thirty (30) days from the date of receipt of the Notice of Non-Compliance. If such Person does not comply with the ruling within such period, the DRC shall notify the District, and the District may, at its option and if allowed by applicable law, record a notice of non-compliance against the Lot on which the non-compliance exists, may impose fines, penalties and interest, may remove the non-complying Improvement, or may otherwise remedy the non-compliance in accordance with the Declaration and applicable law. The Person responsible for such non-compliance shall reimburse the District, upon demand, for all costs and expenses, as well as anticipated costs and expenses, with respect thereto.

2.11 Amendment

These Rules may at any time, from time to time, be added to, deleted from, repealed, amended, and modified, reenacted, or otherwise changed by the DRC, with the approval of the Person authorized to appoint the DRC, as changing conditions and/or priorities dictate.

2.12 Questions

If you have any questions about the foregoing procedures, feel free to call the DRC at the phone number and address listed in the Section 1.5 of these Rules.

3 IMPROVEMENTS & SITE RESTRICTIONS

3.1 General

The following is a listing, in alphabetical order, of a wide variety of specific types of Improvements which Owners typically consider installing, with pertinent information as to each. Unless otherwise specifically stated, drawings or plans for a proposed Improvement must be submitted to the DRC and written approval of the DRC obtained before the Improvements are made. In some cases, where it is specifically so noted, an Owner may proceed with the Improvements without advance approval if the Owner follows the stated guideline. In some cases, where specifically stated, some types of Improvements are prohibited. DRC review and approval is required on any external items not be listed below.

3.1.1 Variances

The DRC may grant reasonable variances or adjustments or waivers from any conditions and restrictions imposed by these CC&Rs or in the Design Guidelines in order to overcome practical difficulties and unnecessary hardships arising by reason of the application of the conditions and restrictions contained in these CC&Rs or any Design Guidelines.

3.1.2 No Unsightliness

All unsightly conditions, structures, facilities, equipment, and objects, including, but not limited to, snow removal equipment, garden or maintenance equipment and exercise/sports equipment when not in actual use, must be enclosed within a structure.

3.1.3 DRC Waivers Not Implied; No Precedent

The approval or consent of the DRC, or of an appointed representative, to any application for approval or any Improvement is not deemed to constitute a waiver of any right to hold or deny approval or consent by the DRC as to any application or other matters subsequently or additionally submitted for approval or consent.

The approval or consent of the DRC to any work completed or proposed for performance or completion, or to any other matter that requires the approval or consent of the DRC, may not be deemed to constitute a waiver of any right to withhold approval or consent as to any other matter subsequently or additionally submitted for approval or consent by the same or a different Person, including subsequent renovation or remodeling of an Improvement.

3.1.4 Indemnification of DRC

To the fullest extent permitted by law, each member of the DRC is indemnified by all of the Owners against all expenses and liabilities, including attorney fees reasonably incurred by or imposed upon them in any proceeding to which they may be a party, or in which they may become involved, by reason of being or having been a member of the DRC or any settlements thereof, whether or not they are a member at the time such expenses are incurred, except in such cases wherein such member is adjudged guilty of

willful misfeasance or malfeasance in the performance of his duties.

3.2 Accessory Buildings

Approval is required. Approval will be based upon, but not limited to, the following criteria:

- A. Storage sheds must be aesthetically compatible and consistent with the style and character of the home and other homes in the same general area of the Community. Storage sheds and/or any accessory buildings shall not be more than 100 square feet, and shall not be more than nine (9) feet high at the peak. The roof pitch must be complementary to the existing roof on the home, unless otherwise approved by the DRC. Such storage sheds and/or accessory buildings must be permanent in nature. Storage Sheds shall not be permitted to receive utilities services.
- B. Siding, roofing, paint and trim materials must match those on the home, unless otherwise approved by the DRC. Metal, plastic, PVC and other materials not consistent with original construction by the Builder are not permitted. TREX and engineered composite wood type products consistent with original Builder construction are permitted.
- C. Smaller Lots may not have a suitable location for a storage shed. In any case, no more than one (1) storage shed and one (1) playhouse (see Section 3.51, Playhouses) shall be permitted per Lot.
- D. The DRC, in reviewing and approving or denying an application for approval of a storage shed or accessory building, shall take into consideration lot size, square footage of the home, the existing grading, fence locations, landscape screenings, etc.
- E. Utilities, either above or underground, are not permitted to be run to the shed.
- F. A playhouse or play structure shall not be considered an accessory building.
- G. Existing setbacks required of the home must be observed when placing storage sheds, accessory buildings, gazebos and playhouses. A copy of the home's plot plan filed with the location of the proposed accessory building is required with the DRC.

3.2.2 Accessory Dwelling Units (ADU): If permitted pursuant to Colorado Law shall be constructed of the same material as the main dwelling in such a manner as to compliment such dwelling. ADUs shall be no larger than 700 square feet total, must provide completely independent living spaces, including sleeping, cooking and sanitation capabilities. All existing set backs shall be complied with.

3.3 Additions and Expansions

Approval is required. Additions or expansions must be constructed of wood, masonite, glass, brick, stone, or fire hardened material as used in construction of the exterior of the home. The design must be the same or generally recognized as a complimentary architectural style and meet all design guidelines as may be applicable. Colors must be the same as that of the residence. Patios

may not be more than twenty five percent (25%) of the entire rear yard of the Lot unless otherwise approved by the DRC.

3.4 Address Numbers

Approval is required to replace, alter or relocate existing address numbers, unless the address numbers are replaced using the same style, color and type of number currently on the residence.

3.5 Air Conditioning Equipment

Approval is required for all air conditioning equipment including evaporative coolers (swamp coolers) and attic ventilators installed after the initial construction.

Approval is not required for replacement of existing air conditioning equipment with like equipment located in the same location as the equipment being replaced.

No heating, air conditioning, or refrigeration equipment shall be placed or installed on rooftops, or extended from windows. Ground mounted or exterior wall air conditioning equipment installed in the side yard must be installed in a manner to minimize visibility from the street and minimize any noise to adjacent property Owners. Evaporative Coolers placed on roof tops shall be screened from view to the maximum extent possible.

3.6 Antennae/Satellite Dishes

The following restrictions and covenants apply to all Lot Owners and residents:

- A. No transmission antenna of any kind may be erected anywhere in the Real Estate, including the Lots, without written approval of the DRC.
- B. No direct broadcast satellite (DBS) antenna or multi-channel multipoint distribution service (MMDS) antenna larger than one meter in diameter may be placed, allowed or maintained upon a Lot.
- C. DBS and MMDS satellite dishes or antennas one meter or less in diameter and television broadcast service antennas may only be installed in accordance with Federal Communication Commission (FCC) rules and these CC&Rs, both as may be amended from time to time. Such items must be installed in the least conspicuous location available on the Lot that permits reception of an acceptable signal. If an individual antenna or dish or similar device is installed by an Owner or resident, the Owner is responsible for maintaining that installation and all resulting maintenance due to that installation.
- D. If a Lot is transferred which includes a satellite dish or antenna, the grantee assumes all responsibility for the satellite dish or antenna and must comply with these CC&Rs regarding satellite dishes and antennas and any Design Guidelines adopted by the Metro District. Compliance includes and is not limited to compliance with covenants and requirements relating to maintenance and removal of satellite dish or antenna.

3.7 Awnings

Approval is required and Owners must comply with all requirements of the County and the City. Awnings should be an integral part of the house or patio design. The color shall be complimentary to the exterior of the residence.

See Section 3.38, Overhangs/Sunshades/Awnings – Cloth or Canvas.

3.8 Backyard Sport Pads.

Approval is required. Backyard, concrete pads for “sport” type courts must be approved by the DRC. The DRC will consider backyard sport courts based on pad size, Lot size and proximity to other Lots. Sport equipment installed or stored on or around the pad must be maintained at all times in a neat and clean manner. Sports pads can take up no more than 25% of the backyard. Homes backing up to Common Area/Open space must have sport pad shielded from view.

3.9 Balconies

See Section 3.17, Decks.

3.10 Barbecue/Gas Grills

Approval is not required. All barbecue grills, smokers, etc. must be stored in the rear yard or within an enclosed structure, not visible from the front of the home.

3.11 Basketball Backboards

Approval is not required, subject to the following limitations. Only portable basketball backboards shall be allowed if the following guidelines are met:

- A. Portable units cannot be placed in the public rights of way, streets, sidewalks or street lawns.
- B. Location must be in the driveway, at least half of the length of the driveway away from the street, or in the side or rear yard.
- C. Portable basketball backboards may be left out when not in use only if the backboard, hoop, and net are in good repair. Portable basketball backboards that are not in good repair, including the hoop and net, must be stored out of sight when not in use and may not be left out for more than 24 hours.
- D. Permanent garage or pole mounted basketball hoops are not permitted.

3.12 Birdbaths

Approval is not required, subject to the following limitations. Placement in front or side yard is not allowed. Birdbaths are only permitted in the rear yard.

See Section 3.63, Statues or Fountains.

3.13 Birdhouses and Bird Feeders

Approval is not required, subject to the following limitations. If installed in the rear yard and the size is limited to one foot by two feet, no approval is required. No more than three of each of a birdhouse or bird feeder shall be installed on any Lot. Birdhouses or bird feeders may be mounted on a pole, provided the pole shall not exceed five (5) feet in height.

3.14 Carports

Approval will not be granted.

3.15 Clothes Lines and Hangers

Approval is not required, subject to the following limitations. Clotheslines may only be placed in the rear yard. Fixed clotheslines and hangers are not permitted. Temporary drying structures will be permitted so long as such structures are used solely in the rear yard of a lot and are immediately removed from sight after each use. Retractable clotheslines with permanent fixtures require approval.

3.16 Cloth or Canvas Overhangs

See Section 3.38, Overhangs/Sunshades/Awnings – Cloth or Canvas.

3.17 Decks

Approval is required. The deck must be harmonious (in configuration, detail, material and color) with the architecture of the house. Modifications or additions to Builder installed decks must incorporate the same materials, colors and detailing as the Builder's or approved existing deck. TREX or similar engineered composite wood type products are the preferred material for construction. Plastic, PVC or similar materials are prohibited.

The appropriate governmental permits are also required.

The deck should be located so as not to create an unreasonable level of noise for adjacent property Owners.

Changes in grade or drainage pattern must not adversely affect adjoining properties and shall comply with drainage change requirements of the Declaration.

Upper-level decks shall be attached directly to the house. Only ground level decks may be approved as freestanding decks. Decks shall not extend beyond the Lot boundaries into any common area. Depending on Lot location and orientation, decks should not project beyond the side walls of the house. The side walls of the house are defined as the major (structural) side walls and do not include bay windows, chimney enclosures, porches or other such projections. In certain situations, stairs and some portions of the deck may extend up to 4' beyond the side walls.

A solid trim board shall be provided on any open side of the deck to conceal the joists and cut ends of the decking. Underdeck screening should be compatible with the architecture of the house and deck. Any lattice must be properly framed and recessed.

Railings and other features such as privacy screens for attached housing must match the approved Builder design.

3.18 Dog/Pet Houses

Approval is required. Dog houses are restricted to ten (10) square feet and must be located in a fenced back yard or dog run. Dog houses must be installed at ground level, and must not be visible above the fence. Dog houses must also match the colors and materials of the exterior of the home. Limit of one dog house per Lot. Dog house must be screened from view if the home backs up to the common areas.

3.19 Dog/Pet Runs

Approval is required. Dog runs must be located in the rear or side yard, abutting the home and substantially screened from view by planting fast-growing or mature trees or shrubs. Dog runs must be located in side-yard if home backs up to the common area. Dog runs will be limited to two hundred (200) square feet, unless a variance is granted by the DRC. Dog run fences should be left natural in color and sealed to prevent weathering. Dog runs must be made of wood. The DRC may adopt approved heights, stains and configurations for fencing. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

3.20 Doors

Approval is not required for an already existing main entrance door to a home or an accessory building if the material matches or is similar to existing doors on the house and if the color is generally accepted as a complimentary color to that of existing doors on the house. Complementary colors would be the body, trim or accent colors of the house or white (for storm/screen doors). No "burglar bars," steel or wrought iron bars or similar fixtures, whether designed for decorative, security or other purposes, shall be installed on the exterior of any windows or doors of any building.

- A. Storm Doors. Approval is not required for storm doors as long as the door is complimentary with the color scheme of the home. Owners wishing to utilize a different color must first obtain approval.
- B. Security Doors and Windows. All security or security-type doors and windows must be approved prior to installation.

3.21 Driveways

Approval is required for any changes or alterations to driveways. This includes construction of a pull-off area to the side of the driveway and/or concrete driveway extensions. Driveway

expansions of up to six (6) inches on each side are permitted with approval. Any replacement or expansions must match the existing style and color of concrete. Only clear sealant may be used on the driveway (no colors) and Owners will be required to maintain the driveways against oil spills, spalling/peeling/etc.

3.22 Evaporative Coolers

Approval is required. Rooftop mounting must be towards rear of home and screened from view.

See Section 3.5, Air Conditioning Equipment.

3.23 Exterior Lighting

See Section 3.35, Lights and Lighting.

3.24 Fences

- A. The following Lots are restricted from installing or relocating any fencing on their backyard that abuts Outlet B, C, or side yard as abuts Lot 1, Block 8: Lots 1 - 16, inclusive, Block 2 Mountain Brook Subdivision Filing No. 1 ("Fence Restricted Lots") The Metro District will initially install the fencing in the limited locations described above on the Fence Restricted Lots. The Metro District will i. The following Lots are restricted from installing or relocating any fencing on their backyard that abuts Outlet B, C, or side yard as abuts Lot 1, Block 8: Lots 1 - 16, inclusive, Block 2 Mountain Brook Subdivision Filing No. 1 ("Fence Restricted Lots") ii. The Metro District will initially install the fencing in the limited locations described above on the Fence Restricted Lots.

3.26.7 Pet Fencing

Pet fencing may include any invisible fence on or within the perimeter boundary of an Owner's site per the above fencing standards. Wire mesh fencing may be permitted subject to DRC approval on the inside of DRC approved fencing.

See Section 3.18, Dog Houses and Section 3.19, Dog Runs.

3.25 Fire Pits

Approval is required for all permanent or built-in structures. Approval is not required for portable units.

3.26 Firewood Storage

All firewood must be located in the side or rear yard, must be neatly stacked, shall not be visible from any street or the ground level of any other Lot, and must not be located so as to block established drainage patterns. Firewood must be shielded from view in the home backs up to the common area.

3.27 Flags/Flagpoles

Display of one flag on a Lot is not restricted and is the right of the Owner or resident.

Approval is required for any freestanding flagpole. Approval is not required for flagpoles mounted to the front of the residence.

3.28 Gardens

Approval is not required for flower or vegetable gardens that do not exceed one hundred fifty (150) total square feet. All flower gardens must be weeded, cared for and maintained. Vegetable gardens shall be located in the rear or side yard.

3.29 Gazebos

Approval is required. A gazebo must be an integral part of the rear yard landscape plan and must be similar in material and design to the residence. The color must be generally accepted as a complementary color to the exterior of the residence. The gazebo can be no more than eleven (11) feet at the highest point.

3.30 Greenhouses

Approval is required. Generally, greenhouses are discouraged due to the extensive maintenance required. Approval will be based upon but not limited to general aesthetics, quality and permanence of materials used. Adequate screening will be required.

3.31 Hanging of Clothes

See Section 3.15, Clothes Lines and Hangers.

3.32 Hot Tubs and Jacuzzis

Approval is required. Hot tubs and Jacuzzis must be an integral part of the deck or patio area and of the rear yard landscaping, and 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. In some instances, additional plant material around the hot tub may be required for screening. Non-vegetative screening materials should match or complement the house or deck structure. Prefabricated hot tub enclosures will be evaluated on a case-by-case basis, and may require additional plant material screening.

3.33 Kennels

Approval will not be granted. Breeding or maintaining animals for a commercial purpose is prohibited.

Also see Section 3.19, Dog Runs.

3.34 Lights and Lighting*

No light shall be emitted from any Lot which is unreasonably bright or causes unreasonable glare or shines directly onto an adjacent Lot. There shall be no exterior floodlights, searchlights, spotlights, sodium vapor lights or barnyard lights. Without limiting the generality of the foregoing, all exterior lighting on a Lot must be in compliance with the Design Criteria.

3.37 Ornaments/Art - Landscape/Yard

Up to three (3) small (less than 12 inches in height) front yard ornaments may be installed in the front yard without approval, as long as the ornament is installed at ground level and the color and design integrate into the landscape.

Approval is not required for yard ornaments which are installed in the rear yard and which are of a height less than three (3) feet unless they back up to common area.

Approval is required for any other yard ornaments.

See Section 3.63, Statues or Fountains.

3.38 Overhangs/Sunshades/Awnings- Cloth or Canvas

Approval is required. An overhang should be an integral part of the house or patio design. The color must be the same as, or generally recognized as, a complementary color to the exterior of the residence. A swatch of material to be used must be provided with the review submittal.

See Section 3.40, Patio Covers.

3.39 Painting

Approval is not required if color and/or color combinations are identical to the original manufacturer color established on the home and/or accessory improvement. Any changes to the color scheme must be submitted for approval and must conform to the general scheme of the Community.

3.40 Patio Covers

Approval is required. Patio covers must be constructed of material consistent with the home and be similar or generally recognized as complementary in color to the colors on the house. Freestanding patio covers may be permitted as well as extensions of the roof.

3.41 Patios - Enclosed

See Section 3.3, Additions and Expansions.

3.42 Patios - Open

Approval is required. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property Owners. In some

instances, additional plant material around the patio may be required for screening or integration into the landscape design. The patio and materials must be similar or generally accepted as a complementary color and design to the residence.

See Section 3.17, Decks.

3.43 Paving

Approval is required, regardless of whether for walks, driveways, patio areas or other purposes, and regardless of whether concrete, asphalt, brick, flagstones, steppingstones, pre-cast patterned, or exposed aggregate concrete pavers are used as the paving material.

See Section 3.21, Driveways.

3.44 Pipes

Approval is required for all exterior pipes, conduits and equipment. Adequate screening may also be required.

3.45 Play Structures and Sports Equipment

Approval is required. Consideration will be given to adjacent properties (a minimum five (5) foot setback from the property line, is required for trampolines, swing sets, fort structures, etc.) so as not to create an undue disturbance. In some instances, additional plant material around the equipment may be required for screening. Wood structures must be constructed of pressure treated or other weather resistant materials. All play equipment must be maintained in a good and sightly manner. The use of multi-colored cloth/canvas tarps will not be approved. Height of any play structure or sports equipment may not exceed twelve (12) feet.

3.46 Playhouses

Approval is not required if a structure is less than twenty-four (24) square feet and less than six (6) feet high, from highest point to the ground. Playhouse must be placed at least ten (10) feet from lot lines.

Approval is required for structures greater than twenty-four (24) square feet and/or greater than six (6) feet high, from the highest point to the ground or if the home backs up to common area.

See Section 3.2, Accessory Buildings.

3.47 Poles

See Section 3.27, Flags/Flagpoles.

3.48 Ponds and Water Features

Approval is required. Considerations by the DRC will include, but not be limited to, the following criteria:

- A. Must be integrated into landscape scheme.
- B. Setback shall be a minimum of five (5) feet from all property lines.
- C. Must not affect existing drainage on the lot or off the property.
- D. Must be maintained at all times.

3.49 Radio Antennae

See Section 3.6, Antennae/Satellite Dishes.

3.50 Radon Mitigation Systems

Approval is not required. Equipment must be painted a color similar or generally accepted as complimentary to the exterior of the house. All equipment shall be installed so as to minimize its visibility.

3.51 Roofing Materials

Approval is required for all roofing materials other than those originally used by the Builder or a similar product. All buildings constructed on a Lot should be roofed with the same or greater quality and type of roofing material as originally used by the Builder.

Approval is not required for repairs to an existing roof with the same building material that exist on the building.

3.52 Rooftop Equipment

Approval is required. Equipment must be painted a color similar or generally accepted as complimentary to the roofing material of the house. All rooftop equipment shall be installed to minimize its visibility.

See Section 3.61, Solar Energy Devices.

3.53 Satellite Dishes

See Section 3.6, Antennae/Satellite Dishes.

3.54 Saunas

See Section 3.2, Accessory Buildings.

3.55 Screen Doors

See Section 3.20, Doors.

3.56 Seasonal Decorations

Approval is not required if installed on a lot within forty five (45) days of a holiday, provided that an Owner is keeping with the Community standards, and provided that the decorations are removed within thirty (30) days of the holiday.

See Section 3.35, Lights and Lighting.

3.57 Security Devices.

Approval is not required. Security devices, including cameras and alarms, must be selected, located and installed so as to be an integral part of the house and not distract from the home's architecture and appearance. Cameras and housing sirens, speaker boxes, conduits and related exterior elements should be unobtrusive and inconspicuous. Such devices should be located where not readily visible and should be a color that blends with or matches the surface to which it is attached.

3.58 Sheds

See Section 3.2, Accessory Buildings.

3.59 Shutters - Exterior

Approval is required. Shutters should be appropriate for the architectural style of the home and be of the appropriate proportion to the windows they frame. Shutters should be the same color as the "accent" color of the home (typically the same as the front door or other accent details).

3.60 Siding

Approval is required.

3.61 Solar Energy Devices

Approval is required in order to review aesthetic conditions. Photovoltaic (PV) Solar panels should lay flat on the roof, meet all applicable safety, building codes and electrical requirements, including solar panels for thermal systems (solar water heaters). The DRC is allowed to request changes as long as they don't significantly increase the cost (by more than 10%) or decrease the efficiency (by more than 10%) of the proposed device and panels. Please also see Colorado Law C.R.S. 38-30-168, which governs the review and the Owner's installation of such devices.

3.62 Spas

See Section 3.33, Hot Tubs and Jacuzzis.

3.63 Statues or Fountains

Approval is not required if statues or fountains are installed in the rear yard and are not greater

than four (4) feet in height from the highest point, including any pedestal. Statues or fountains must be screened from view if the home backs up to common area.

Approval is required if the statue or fountain is proposed for the front yard. Statue or fountain location in the front yard should be located close to the main entrance of the house.

See Section 3.12, Birdbaths and Section 3.37, Ornaments/Art – Landscape/Yard

3.64 Storage Sheds

See Section 3.58, Sheds and Section 3.2, Accessory Buildings.

3.65 Sunshades

See Section 3.38, Overhangs/Awnings – Cloth or Canvas and Section 3.40, Patio Covers.

3.66 Swamp Coolers

See Section 3.5, Air Conditioning Equipment, Section 3.22, Evaporative Coolers, and Section 3.52, Rooftop Equipment.

3.67 Swimming Pools, Tennis Courts and Fire Pits*

Swimming pools, tennis courts and fire pits may be constructed on a Lot; provided, that no more than one each shall be allowed on each Lot and any such fire pit shall be gas operated. The design and location of all swimming pools, tennis courts and fire pits on a Lot shall be subject to approval by the DRC. No wood-burning fires shall be intentionally caused or created outside of a Residence located on any Lot; provided, however, this Section 5.9(n) shall not operate to prohibit any barbeque grill used in accordance with applicable law.

3.68 Swing Sets

See Section 3.45, Play Structures and Sports Equipment.

3.69 Television Antennae

See Section 3.6, Antennae/Satellite Dishes.

3.70 Tents

Unless otherwise approved by the DRC in writing, camping tents shall be permitted within the backyard of a Residence, on the following conditions:

- A.** Any such tent does not exceed 8 feet in height;
- B.** No more than 3 such tents shall be assembled within any backyard at the same time;

- C. No tent shall be assembled on any backyard for more than 3 consecutive nights or more than 7 nights within any 30-day period.
- D. Unless otherwise approved by the DRC in writing, a tent intended to accommodate functions such as weddings, parties or similar events shall be permitted on any Lot, on the condition that no such tent is assembled on any Lot for more than 48 hours or assembled on such Lot for more than 72 hours during any 30-day period.

3.71 Tree Houses

Approval will not be granted. Tree houses are not permitted.

3.72 Trees*

No trees, shrubbery or similar items shall be removed except with the prior written approval of the DRC.

3.73 Trash

No unsightly articles will be permitted to remain on any Lot or other portion of the property if it is visible from adjoining property or public or private streets and drives.

3.74 Vanes

See Section 3.78, Weather Vanes and Directionals.

3.75 Vents

See Section 3.52, Rooftop Equipment.

3.76 Walls

See Section 3.24, Fences and Section 3.77, Walls, Retaining.

3.77 Walls, Retaining

Approval is required except that an Owner may replace a builder-installed wall with like material. New or old creosote treated timber railroad ties are prohibited.

3.78 Weather Vanes and Directionals

Approval is required.

3.79 Wind Electric Generators

Approval is required. In addition to DRC approval, windmills and any other type of fixture, which fall under the criteria of a wind generator, or are used to generate power etc., must meet the

requirement of the C.R.S. 40-2-124 and any applicable regulations of the Colorado Public Utilities Commission.

3.80 Windows Replacement

Approval is not required if replacing with similar windows. Considerations will include, but may not be limited to, size, color, existing and proposed window style and style of home.

3.81 Windows: Tinting, Security Bars, Well Covers, etc.

Approval is not required for window well covers that are manufactured with metal or plexiglass. All others will require DRC approval.

Approval is required for any visible window tinting. Highly reflective and/or dark tinting is considered too commercial for residential applications and is not permitted.

No external window covering or reflective covering may be placed, or permitted to remain, on any window of any building, structure or other improvement within the Property without the prior written approval of the DRC.

3.82 Xeriscape

Approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, the design must be approved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch will be allowed in place of green, growing plant material. Nonvegetative turf grass (artificial turf) is permitted in the rear yards only (rear yards being that portion of the Lot immediately behind the home and if installed, behind the wing fencing). Approval is required.

Remainder of page intentionally left blank.

4 Exhibit A- Required Fencing & Stain Formula

Mountain Brook Single Family Detached Fencing Guidelines

Residential Fencing in the Mountain Brook Single Family Detached portion of the community is intended to balance openness to preserve long-range views with the need for privacy, security, screening and safety. Fencing character in the Mountain Brook Single Family Detached portion is natural wood and metal.

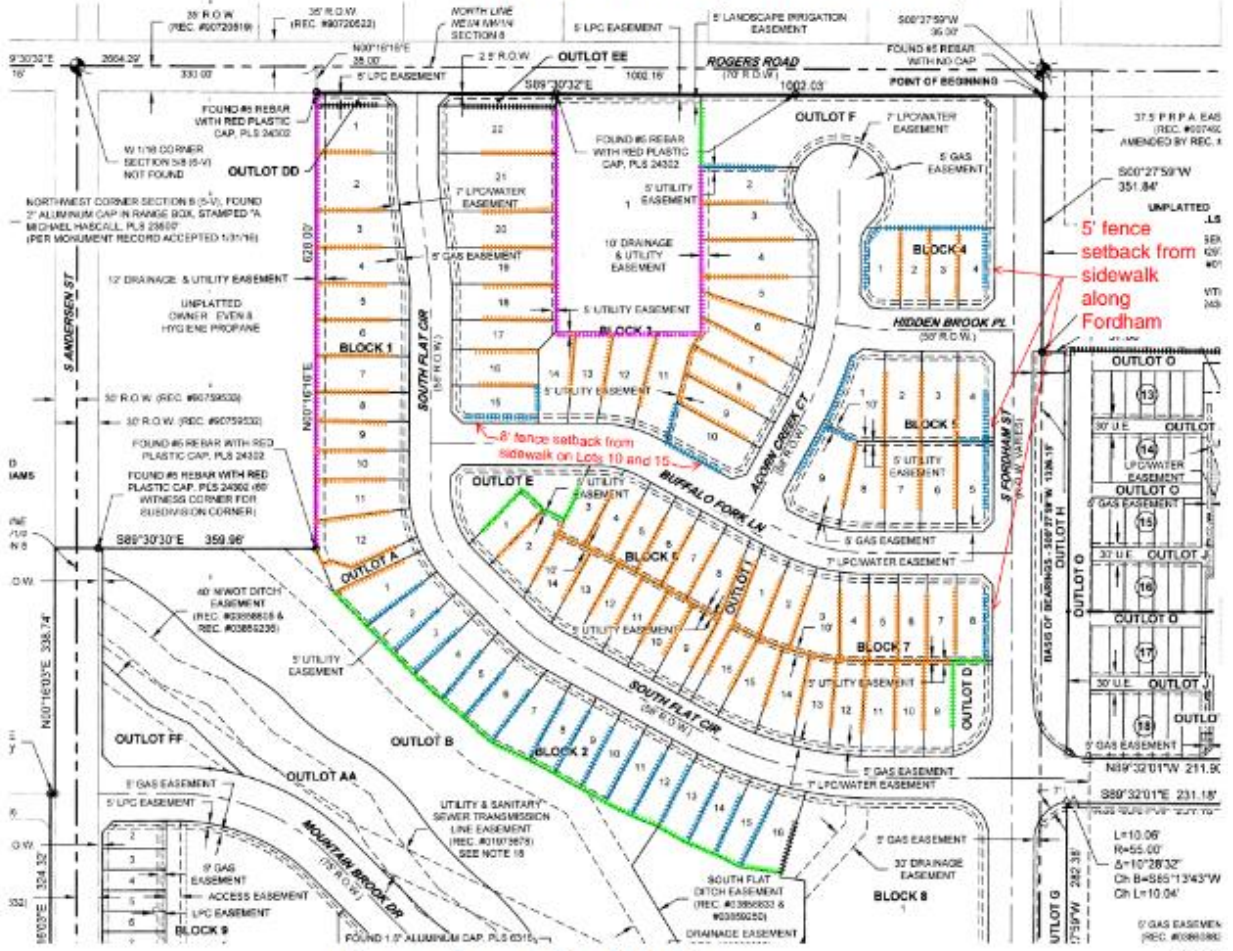
Fencing is installed and maintained by the Mountain Brook Metro District (the "District") at certain areas along the perimeter of the subdivision and adjacent to common areas. Additionally, fencing installed by the builder/developer adjacent to Lot 1 of Block 3 and at the rear of Lots 1 thru 12 of Block 1 shall be maintained by the homeowner and must not be altered or removed.

Fencing is optional at other locations as shown on the following diagrams. Please see subsequent diagrams for permitted fencing types by location. Fencing installed by the District on residential lot lines shall be maintained by the District. All other Fencing shall be installed by the homebuilder/developer or homeowner and be maintained by the homeowner. Diagrams depict typical locations; actual locations may vary and are subject to design review and approval.

**MOUNTAIN BROOK SUBDIVISION I
FINAL PLAT**

A PORTION OF THE NORTHEAST 1/4 OF THE NORTH
A PORTION OF THE NORTHWEST 1/4 OF THE NORTHEAST
TOWNSHIP 2 NORTH, RANGE 69 WEST OF THE
CITY OF LONGMONT, COUNTY OF BOULDER, STATE OF COLORADO
SHEET 3 OF 7

-  **Privacy Fencing (District)**
-  **3 Rail Fencing (District)**
-  **3 Rail Fencing Permitted**
-  **3 Rail or Privacy Fencing Permitted**
-  **Privacy Fencing (Installed by Builder/Developer - maintained by Homeowner)**



**Fencing Guidelines
Mountain Brook Single Family Detached**

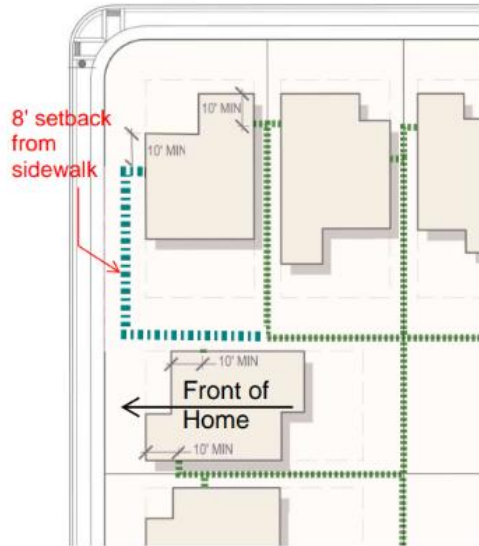
NOTE: The diagram shown on this page is intended to show the type of fencing allowed along different lot lines but does not show the setbacks depicted in the typical diagrams on the following pages.

Block 2 lots 1-16 (South Flat Cir)– the fencing between the units is only split rail to allow for view of the mountains.

Mountain Brook Single Family Detached

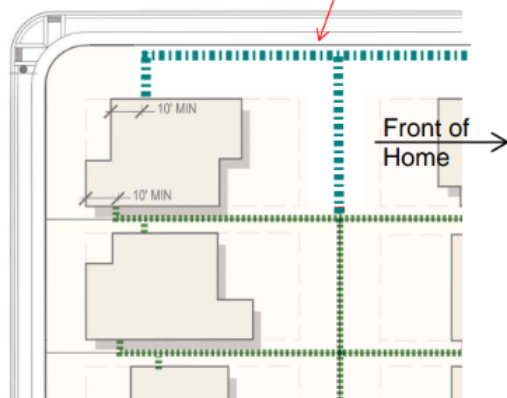
Fencing Guidelines continued

FENCING LOT TYPICAL FRONT ON CORNER



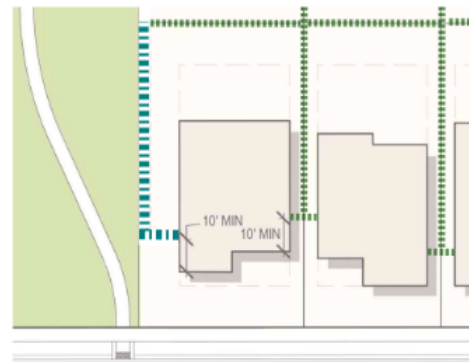
8' setback from sidewalk when rear of corner lot is adjacent to front yard of adjoining lot

FENCING LOT TYPICAL SIDE ON CORNER DIAGRAM



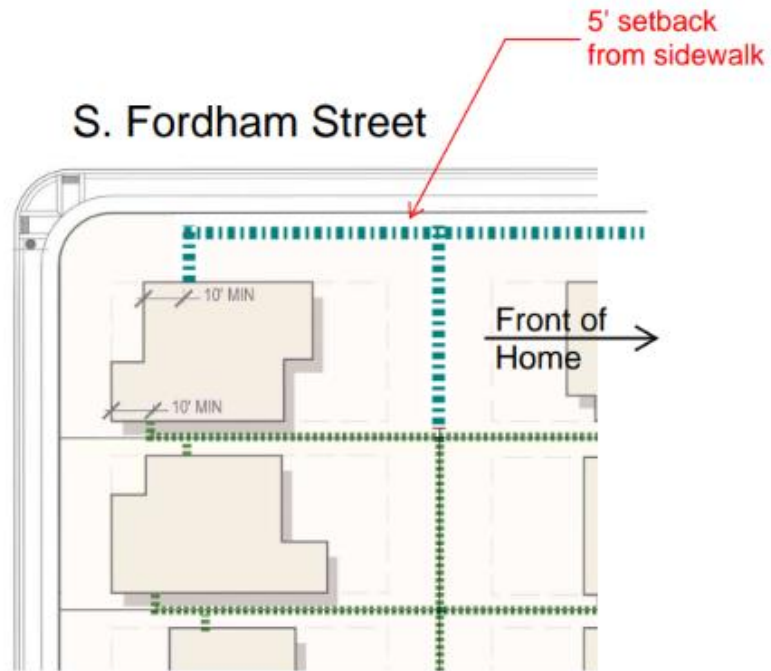
1' setback from sidewalk

FENCING LOT TYPICAL OPEN SPACE



1' setback from sidewalk when rear of corner lot is adjacent to rear yard of adjoining lot

**Mountain Brook Single Family Detached
Fencing Guidelines continued**



5' setback from sidewalk adjacent to S. Fordham Street

Mountain Brook Single Family Detached

Fencing Guidelines continued

You are encouraged to contact the Mountain Brook Metro District for clarification, particularly if on a corner or face open space and parks. The District has the right to request removal and replacement for any fences not installed per specifications. In addition,

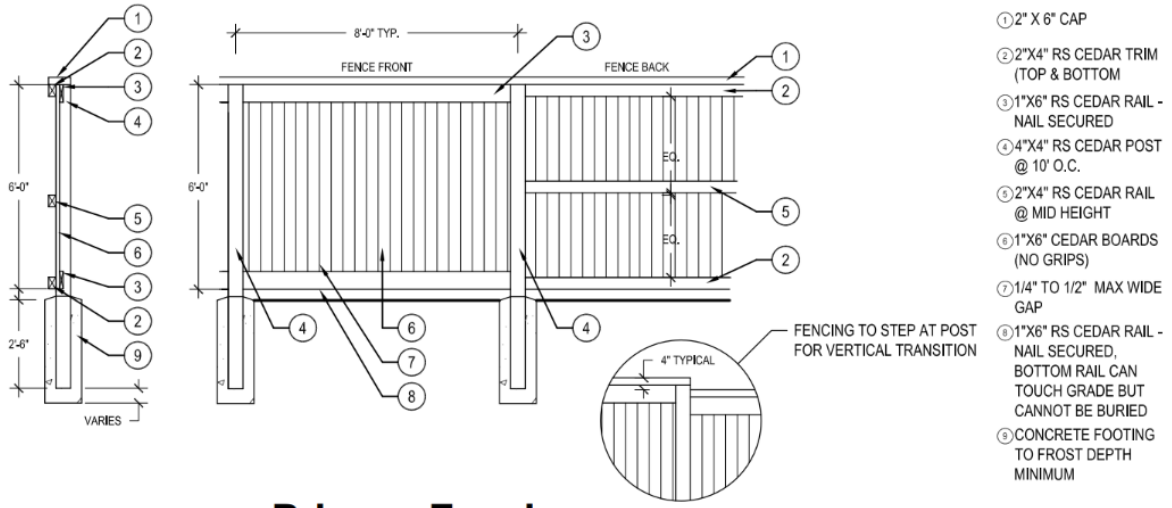
- Wing Fences must be compatible with fencing in which it adjoins.
- Privacy fencing posts, beams, and rails to be installed so that they are facing the interior of the yard.
- 3-Rail Fencing is required for all corner lots and for lots facing a street, park, open space, farm lots, etc.
- Fencing shall be setback ten (10) feet from the front plane of the house unless home design elements (such as window/doors) conflict with fence location. If there is a conflict the fence can be set back no less than five (5) feet from the front plane of the house.
- No more than one gate allowed without approval.
- No gates will be allowed in any fencing to provide access from lots to open space areas, streets, or common areas.
- Front yard fences are not permitted.
- Perimeter/Open Space fencing installed by the District may not be removed, changed, or modified except for the installation of 2" x 4" galvanized welded wire mesh (10 gauge). Welded wire must be professionally installed or installed properly by using the "stretch" method and be placed on the interior of the fencing.
- Each Owner shall be responsible for maintaining, repairing, and replacing, in a reasonably attractive manner, any fence located on such Owner's lot, unless such fence is to be maintained by the District.
- Fencing installed by the builder/developer adjacent to Lot 1 of Block 3 (currently Trunck property) and at the rear of Lots 1 through 12 of Block 1 (adjacent to Even property) shall be maintained by the homeowner and must not be altered or removed.
- Any fence located on a lot line between two Units shall be maintained jointly by the Owners of such Units if the fence was installed by the respective builder. Any fence located on a lot line between two lots that was installed by one of the Owners shall be maintained by the Owner who installed the fence

FENCE STAIN REQUIRED – All fences, interior and exterior, installed by owners should be stained using:

BEHR – SEMI-TRANSPARENT WATER-BASED WOOD STAIN CHESTNUT - 110

Mountain Brook Single Family Detached

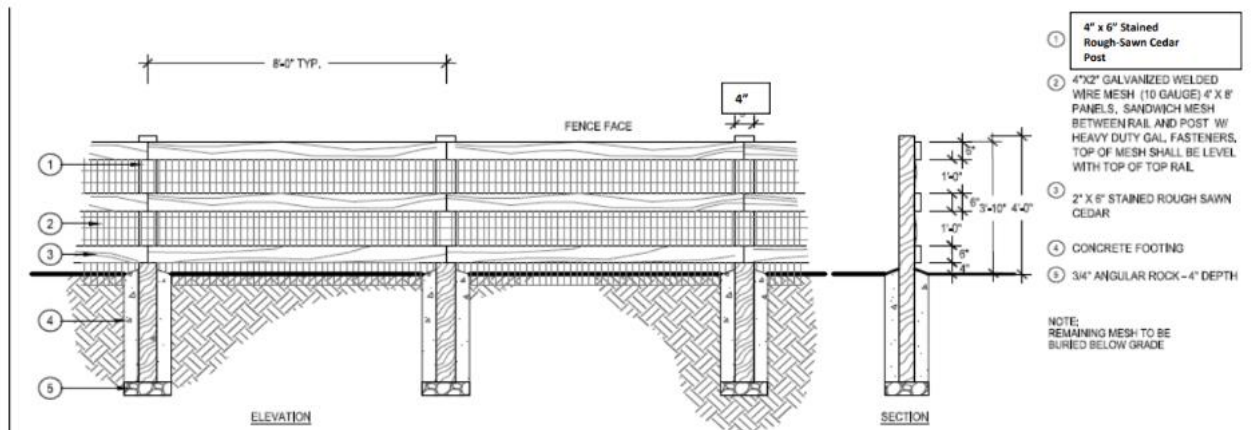
Fencing Guidelines continued



Privacy Fencing

○ 6' SOLID - 6" PICKETS + POST WOOD FENCE

NOT FOR
CONSTRUCTION
SCALE: NTS
Rev 2-23-2024



○ 3-RAIL FENCE

NOT FOR
CONSTRUCTION
SCALE: NTS

3 Rail Fencing

5 APPENDIX A: Architectural Control Request Form

ARCHITECTURAL CONTROL REQUEST FORM

Mountain Brook Metropolitan District
Geol Scheirman - District Manager
gscheirman@coherelife.com
720-634-8023

FOR OFFICE USE ONLY

Date Received _____
Crucial Date _____
Date Sent to Entity _____
Date Rcvd from Entity _____

HOMEOWNER'S NAME(S): _____
ADDRESS: _____
EMAIL ADDRESS: _____
PHONE(S): _____

My request involves the following type of improvement(s):

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Preliminary Design | <input type="checkbox"/> Construction Plan | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Fencing |
| <input type="checkbox"/> Minor Deviation | <input type="checkbox"/> Variance | <input type="checkbox"/> Final Inspection | <input type="checkbox"/> Completion Date |
| <input type="checkbox"/> Other | <input type="checkbox"/> | <input type="checkbox"/> | |

I understand that I must receive approval of The Mountain Brook Design Review Committee (DRC) in order to proceed. I understand that DRC approval does not constitute approval of the local building department and that I may be required to obtain a building permit. I understand that my improvement must be completed per specifications or approval is withdrawn and agree to complete improvements promptly after receiving approval. I further acknowledge that approval of the DRC is provided only for general compliance with the Residential Design Guidelines for Mountain Brook and does not relieve my responsibility to comply with the Design Guidelines unless I have specifically requested and been granted a variance below. The DRC will act upon all requests in writing within forty-five (45) days after the complete submission of plans, specifications, and other materials and information as requested by the DRC. If the DRC fails to review and approve in writing; such request is deemed rejected by the DRC.

Date: _____ Homeowner's Signature: _____

DRC Action:

- Approved as submitted
- Approved subject to the following requirements:

- Disapproved for the following reasons:

All work to be completed no later than: _____

DRC/DRC Signature: _____

Date: _____