

**ARCHITECTURAL CONTROL GUIDELINES AND REGULATIONS**

**FOR**

**HUNTINGTON PINES HOMEOWNERS ASSOCIATION, INC.**

**Effective Date:**

**These Guidelines and Regulations contain the Guidelines and Regulations adopted August 31, 1995**

# **Architectural Control Guidelines and Regulations for Huntington Pines Homeowners Association, Inc.**

## **1. Introduction**

In June, 1992, the developer of Huntington Pines Subdivision, filed a Declaration of Covenants, Conditions and Restrictions which subjected all of the property now owned by members of the Huntington Pines Homeowners Association to its provisions. This Declaration, which has over the years become commonly known as the "Covenants," provides in part that all of the property in Huntington Pines shall be held, sold and conveyed subject to certain easements, restrictions, covenants and conditions "each and all of which is and are for the benefit of said Properties and each Owner therefor."

While the Covenants represent the Association's primary governing document and provide in general for the manner in which Huntington Pines Association is entrusted with the responsibility for implementing and enforcing its provisions, it is clear that it does not address and cannot deal with every situation. Rather, it describes a general framework for the administration and control of all properties within Huntington Pines.

Since the Covenants cannot provide anything more than general guidance as to how architectural control and use standards will be administered and since the Covenants vest responsibility for the administration and enforcement of such matter in the Board of Directors of the Association, such board, hoping to achieve standards pursuant to which all Association members will be better able to own, maintain and enjoy their properties, hereby promulgate the Guidelines that follow.

## **2. DEFINITIONS**

- 2.1 *Architectural Control Committee or Committee* is that Committee appointed by the Board of Directors to perform that function provided in Article IX of the Covenants.
- 2.2 *Association* shall mean Huntington Pines Homeowners Association, Inc., a Colorado nonprofit corporation, its successors and assigns.
- 2.3 *Board of Directors or Board* shall mean the governing body of the Association whose members are elected in accordance with the Bylaws. If the Architectural Control Committee is not appointed pursuant to the Covenants, then the Board shall constitute the Architectural Control Committee.
- 2.4 *Bylaws* shall mean the Bylaws of the Association, as amended, supplemented or restated.
- 2.5 *Common Area* shall mean those properties owned by the Association for the common use and enjoyment of the Owners.

- 2.6 *Covenants* shall mean the Declaration of Covenants, Conditions and Restrictions of Huntington Pines, as amended, supplemented or restated.
- 2.7 *Lot* shall mean any plot of land shown upon any recorded subdivision plat of the Properties except for Common Area.
- 2.8 *Owner* shall mean the record owner(s) of a fee simple title to any Lot.
- 2.9 *Properties* shall mean all of the real property subject to provisions of the Covenants.
- 2.10 *Structure* shall mean any enclosed or semi-enclosed building placed on a Lot, including, but not limited to, a house and any detached improvement such as a garage, treehouse, playhouse or storage shed.

### 3. ARCHITECTURAL CONTROL

- 3.1 Article IX of the Covenants provides that the Board, or an Architectural Control Committee composed of three (3) or more representatives appointed by the Board, must approve any exterior addition, change or alteration to any structure, residence, dwelling unit, or improvement on a Lot.
- 3.2 Any Owner desiring to change, alter or add to the exterior of any existing Structure, improvement, fence or wall must submit a written request for approval, including with it plans and specifications detailing such proposed work, to the Architectural Control Committee prior to commencing such work. Such plans and specifications must include a description of the project in such detail as will enable the Architectural Control Committee to determine with reasonable accuracy whether such project will result in an improvement harmonizing with the external design and location of surrounding improvements within Huntington Pines.
- 3.3 Properly documented written requests will be acted upon by the Architectural Control Committee within 45 days from their submission. The Architectural Control Committee reserves the right to request additional documentation or clarification of any applicant's plans and specifications as a condition of processing any request for approval. The 45-day approval period will not begin to run until each application is complete.
- 3.4 Any change, alteration or addition falling within these Guidelines which is made without the Committee's approval is in violation of the Covenants and subject to Association action for noncompliance, which may include an order that the non-conforming addition or improvement be removed and the existing Structure, improvement, fence or wall be restored to its original condition.

### 4. USE RESTRICTIONS

- 4.1 The Covenants, including but not limited to Article VI and Article VIII, Section 8.7 of the Covenants provide for the manner in which the Properties shall be used and maintained. It is specific on certain subjects and not specific on others. The following guidelines are provided in connection with those subjects which are most frequently considered by the Architectural Control Committee and for

which clarification is warranted. In implementing provisions of the Covenants on this subject, the Architectural Control Committee will consider variances necessitated by topography and physical location of such improvements, walls or fences relative to adjoining Lots.

#### 4.2 Non-enclosed and Small Facilities.

- 4.2(a) Gazebos, covered decks, and other open (non-enclosed) facilities may be approved provided that the Committee is satisfied that, based upon the openness of its overall design, permanency, color, location on the Lot and degree to which it impacts views of and from other Lots, such facility will not adversely affect surrounding residents or the community in general. Specifically, any such facility must have an openness of design such that it does not significantly block the line of sight through the facility. Facilities that have more than 40% of any one side as an opaque and/or translucent surface (i.e., which cannot be seen through) shall be deemed not to meet this test of openness and will not be approved by the Committee. Facilities which have less than 40% opaque and/or translucent surfaces on each and every side may be approved by the Committee, but each one shall be judged based on the criteria described above.
- 4.2(b) Small facilities such as doghouses and small playhouses which are no higher than 48" at their highest point and no larger than 80 cubic feet are not normally of concern to the Committee and do not generally need to be presented to the Committee for approval. The Committee recognizes that the placement of such a facility on the Lot, the color or materials used, or the design may be such that an adverse impact can be created on neighboring Lots. Therefore, the Committee establishes the following restrictions on small facilities: the use of extreme colors (particularly bright tones) on a small facility, elevation of a small facility significantly above the ground, or location of a small facility in a front yard (or side yard unscreened from view from the street) are in violation of the Covenants and are not acceptable.

4.3 Additions to Enclosed Rooms. All added enclosed rooms should closely conform with the original architecture and be constructed substantially of the same building materials. The goal should be an addition that appears to be a part of the original structure. The following guidelines are provided:

- 4.3(a) Roofing material must match that of the residence and the pitch of any new roof should match that of the existing structure;
- 4.3(b) Siding must match that of the residence;
- 4.3(c) The style of the windows and doors must closely match those of the residence;
- 4.3(d) Prefabricated structures of any kind are not acceptable.

#### 4.4 Decks and Patios.

- 4.4(a) Covered decks and patios must be attached to the residence.
- 4.4(b) Decks must be constructed of wood and finished naturally, stained or painted to match the color of the house.
- 4.4(c) Patios must be constructed of concrete, paving brick, stone, or a similar material.
- 4.4(d) Roofs over decks or patios shall conform to the same guidelines as apply to enclosed rooms. That is, the roof material must match that of the residence and the pitch of the deck or patio roof must conform with the pitch of the roof on the residence.
- 4.4(e) Requests for approval of sunshades, awnings and lattice covers will be reviewed individually based on "harmony of external design."

4.5 Evaporative Coolers and Air Conditioners. Evaporative coolers and air conditioners can have significant visual impact and frequently affect "harmony of external design." Roof mounted devices, and devices that are mounted high on the side of the residence are of particular concern. The following guidelines are provided:

- 4.5(a) The preferred location for evaporative coolers and air conditioners is as an integral part of the architecture whenever possible or at ground level, in the back or side yard and screened from view.
- 4.5(b) Subject to the limited exception noted in subparagraph c. below, roof mounted devices or devices located in such a way that they are visible from neighboring lots or public streets are not acceptable.
- 4.5(c) Where there is no reasonable alternative to mounting a device high on the side of the residence, every effort should be made to install a low silhouette unit painted the same color as the residence. If a cover is used in the winter, it should also be the same color as the residence.

4.6 Paint. The Architectural Control Committee recognizes that establishing acceptable colors for residences is a highly subjective process, however, color has a definite impact on "harmony of design" of the neighborhood and must be addressed. Recognizing the difficulty involved in setting standards on this subject, it is the Committee's policy to allow residents the wide latitude in selecting house colors while reserving the right to prohibit a house color that has a significant negative or offensive impact on "harmony of design." In carrying out this policy, the following guidelines are established:

- 4.6(a) Repainting a residence in other than the original earth tone colors requires Architectural Control Committee approval.
- 4.6(b) Extreme colors (particularly bright tones) will not be approved.

4.6(c) Other colors may be approved on a case by case basis.

4.7 Roofing.

4.7(a) Re-roofing a residence in other than the original roofing material requires Committee approval.

4.7(b) Asphalt shingles are not acceptable.

4.7(c) Any other roofing material may be approved on a case by case basis, taking into consideration its color, style and quality of materials and how well such material conforms with that of neighboring residences.

4.8 External Antennas and Satellite Dishes. The Architectural Control Committee consistently adheres to the prohibition set forth in providing that "no exterior radio or television antenna, aerial, satellite dish, or other type of radio or television receiving system shall be erected or maintained without the prior written approval of the Architectural Control Committee." This restriction also applies to satellite earth stations (i.e., satellite dishes). Article VIII, Section 8.7 requires approval of the Committee due to the development of satellite dish antenna technology. The Architectural Control Committee in accordance with Article IX and section 9.4 of the Covenants, adopts the following design guidelines:

4.8(a) Satellite Antenna. One (1) small satellite antenna may be installed and maintained on any Lot but only upon compliance with the following conditions:

- 1) Prior written approval of the Architectural Control Committee must be obtained, both before initial installation and before relocation of any previously approved existing satellite antenna.
- 2) The satellite antenna must be eighteen (18) inches or less in diameter and must be disguised to resemble and must be in fact, visually indistinguishable from other structures, devices or improvements otherwise allowed by the Covenants and/or these guidelines.
- 3) The satellite antenna must not be visible from the front of the Lot upon which it is located.
- 4) All satellite antenna installed on a Lot are restricted for the personal use of the Owner of the Lot.
- 5) The installation of the satellite antenna must comply with any zoning requirements and building codes, if applicable, with evidence of such compliance to be provided to the Committee.

NOTE: Architectural Control Committee approval of a satellite dish antenna is in no way to be construed as a representation, guaranty, warranty, etc. by the Architectural Control Committee and/or

the Huntington Pines Homeowners Association that reception and/or transmission signals will be adequate or will remain undisturbed by vegetation or improvements located on surrounding properties.

- 4.8(b) TV Antenna, Radio Antenna and Other Antenna. Although approved satellite antennas may be installed on Lots, all other exterior radio, TV or other antennas shall be prohibited from Lots.

4.9 Basketball Backboards, Portable and Permanent Backboards. Architectural Control Committee approval is required for every type of basketball goal. Free standing, pole mounted backboards may not be constructed in the "front" yard, whether permanent or not. Portable freestanding basketball boards may be conditionally approved if reasonably placed for play and properly stored when not in use. "Rear" and "side" yard pole mounted basketball backboards may be approved based upon, but not limited to, the following considerations: proximity of goal to the property lines, proximity to the neighbor's living area, landscaping and vehicles.

4.10 Business Activity from a Residence: This is not allowed if there will be a change from the normal residential restrictions including but not limited to: trash, sound, odor, signage, traffic, vehicles, parking, deliveries.

4.11 Dog Runs. Architectural Control Committee approval is required. Considerations may include, but not be limited to, location in back or side yard and abutting the home, proximity to neighbor's residence, completely "screened" from view of adjacent public or private properties and streets, type of cover if utilized, and a reasonable size not to exceed three hundred (300) square feet, and no higher than the existing perimeter fencing. Wire mesh with wood posts may be approved when built. If a cover is used, the cover type and materials used must be addressed in the request for approval, generally tarpaulins are not approved. "Dog kennels" are not allowed.

4.12 Swimming Pools and Hot Tubs. Requests for Architectural Control Committee approval of hot tub installations and swimming pools will be reviewed on a case by case basis, taking into account compatibility of materials with the residence, the overall size and shape of the structure, its proximity to existing structures, provisions for screening, and landscaping in general and the visual impact such structures would have on neighboring property.

4.13 Skylights. Properly installed skylights have the potential to enhance external design. Proposals to add skylights will be reviewed on a case by case basis taking into consideration factors with respect to symmetry, size, shape, quantity and positioning. Where skylights are installed, the frame of the skylight shall harmonize with the roof material and all flashing shall be painted to blend with the roof.

4.14 Exterior Lighting. With regard to exterior lighting:

- 4.14(a) The overall physical appearance of the light standard shall match that of existing post lights.

4.14(b) The fixture and light source shall be selected and installed so as not to disturb occupants of neighboring residences. In general, this will require a size and design that provides relatively low light levels and carefully controlled lighting pattern.

4.14(c) The light fixture and source must be approved by the Architectural Control Committee.

4.15 Fences. Architectural Control Committee prior written approval is required. Fences must be consistent with the Covenants of Huntington Pines Homeowners Association.

4.16 Signs. One sign will be allowed to be displayed on a lot for the purpose of sale or lease of the residence. In addition, one sign shall also be allowed to be placed on the common area directly east of the fence which runs alongs Dayton. Open house directional signs may be placed on common areas only on the day of the open house and must be removed on the same day within one hour after the close of the open house.

The Board of Directors wishes to make clear that the purpose of the Architectural Control Guidelines and Regulations is due to the Board's fiduciary responsibility to protect the financial investment of all Owners and the enjoyment of all residents of this community.

If Owners have ANY questions concerning the Architectural Control Guidelines and Regulations, they should contact: (1st) the Architectural Committee, (2nd) the Board of Directors, and (3rd) the Property Manager for clarification and assistance.

The above Architectural Control Guidelines and Regulations were approved by a unanimous vote of the Board of Directors present at the Board Meeting held on August 31, 1995.

The Board members present were:

1. Larry Heinrich
2. Jeff Johnston
3. Bernie Hockenberry