



**Provence Homeowner Association
Design Standards**

INTRODUCTION

Through the years the Provence Board of Directors has striven to enhance the overall character of the community by maintaining high standards of design, construction, landscaping, and fire safety, to protect the value of investments made by the homeowners, and to protect the environment. This is accomplished by the Covenants, Conditions, and Restrictions (CC&Rs), which place some constraint on the use of your property.

The Provence Board of Directors has prepared the Provence Rules and Regulations to interpret the *Covenants* and to ensure consistent enforcement of the Covenants among all Provence residents. As part of the Rules and Regulations, the Design Standards Manual, has been prepared in accordance with the authority of the Covenants and Colorado law, and provides the essential information needed so that your home is modified in accordance with the standards established by the community.

The work of the Provence Architectural Control Committee (ACC) ranges from architectural control to covenant enforcement with regard to structures and activities in Provence. As property owners, Provence residents should all be aware of their responsibility to the Provence community and avoid violating the Covenants. Any resident finding a violation is encouraged to notify any Provence board member or the current property manager and contact will be made requesting that the violation be corrected.

The authority for this document to control construction, modifications and design elements within the Provence community derives from the following:

1. Applicable Provence Corporation Declarations of Covenants, Conditions, and Restrictions and amendments thereto (hereinafter referred to as the "Covenants"),
2. Applicable provisions of the Colorado Common Interest Ownership Act (CCIOA), (Colorado Revised Statutes, 38-33.3-101 et. seq. and any amendments thereto). The Colorado courts have confirmed the authority of the Provence Board of Directors to establish and enforce standards and interpretations of the Covenants, which are in the interest of the community and are free from caprice, arbitrary action and prejudice. The Provence Board of Directors cannot grant any variances to the Covenants, but variances to the Design Standards may be requested.

The Architectural Control Committee (ACC) is designated to exercise the aforementioned authority, establish standards and procedures, effect enforcement thereof, and furnish pertinent interpretation of the same, when required. These responsibilities are delegated to the ACC, subject to appeal to the final authority of the Provence Board of Directors.

Adopted July, 2002
Provence Townhouse Association Board of Directors

PREFACE

The Provence Design Standards governs any approval, disapproval, or other action taken by the Architectural Control Committee (ACC). No retroactive changes to height, appearance, or location of any building or structure approved under previous versions of these standards will be required; however, any modifications, additions, or other changes to an existing homeowner's lot will be bound by the provisions of the standards in effect at the time approval is requested.

1. Any member of the Provence community may *recommend* a change by presenting the recommended change at a Provence Board of Directors meeting. The Board of Directors may then adopt the recommended change and submit the change as a formal motion in accordance with the following procedures.
2. The Provence Board of Directors may discuss the Proposed Change (whether initiated by a homeowner or by a member of the Board of Directors) but a Provence Board of Directors vote to implement the Proposed Change must wait until at least the next scheduled Provence Board of Directors meeting.
3. The Board of Directors shall publish the Proposed Change in the Provence newsletter at least 30 days preceding the vote. Amendments to the Proposed Change shall not require republication of the Proposed Change.
4. A Proposed Change shall be accepted by a majority vote of a quorum of the Provence Board of Directors, and shall become effective immediately unless stated otherwise as part of the Proposed Change. An approved Change shall be published in the next Provence Townhouse Association Newsletter.

ACC approval of requests for construction or modifications does not assure design adequacy, construction quality, builder performance, or compliance with applicable governmental codes. Thorough preparation and pre-submittal coordination are essential. Therefore, where time is important, it becomes even more incumbent upon the Owner/Contractor to assure complete adequacy before ACC consideration.

Common projects include but are not limited to:

Installation or altering the backyard fences

- ♦ Interior modifications requiring extensive construction work and/or the use of reinforcement beams to support additional living space.
- ♦ Installation of a backyard deck, or patio slab, adding or removing paving in your backyard or other improvement within an Owner's enclosed backyard
- ♦ Installation of a hot tub or spa
- ♦ Modifications to the courtyard landscaping
- ♦ Satellite dish installation
- ♦ Storage sheds and compost bins
- ♦ Window replacements
- ♦ Installation of awnings in a backyard or courtyard
- ♦ Solar panels
- ♦ Trees and landscaping

DISCLAIMER

THE PROVENCE BOARD OF DIRECTORS AND ITS ARCHITECTURAL CONTROL COMMITTEE (ACC) ARE PRIMARILY CONCERNED WITH THE LOCATION, HEIGHT, FLOOR AREA, AND EXTERIOR APPEARANCE OF YOUR HOME AND OTHER IMPROVEMENTS TO THE PROPERTY, AND NOT THE INTERIOR PLAN OF THE HOUSE. ADHERENCE TO THE CITY AND COUNTY OF DENVER BUILDING CODE AND RELATED SAFETY AND QUALITY REQUIREMENTS ARE ENFORCED BY LEGALLY APPOINTED BUILDING INSPECTORS AND NOT BY THE PROVENCE BOARD OF DIRECTORS. IT IS THE DUTY OF THE CONTRACTOR AND OWNER TO ENSURE COMPLIANCE WITH THESE REQUIREMENTS.

IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO ENSURE COMPLIANCE WITH THE PROVENCE BOARD OF DIRECTORS DESIGN STANDARDS AND LOCAL GOVERNMENTAL CONSTRUCTION LAWS, RULES, REGULATIONS AND STANDARDS. PERSONS/ENTITIES CONTRACTED TO PERFORM IMPROVEMENTS OR MODIFICATIONS ON THE PROPERTY ARE RESPONSIBLE TO THE PROPERTY OWNER TO FOLLOW THESE STANDARDS. THE PROPERTY OWNER IS RESPONSIBLE FOR ANY VIOLATION OR OMISSION ON THE PART OF PERSONS OR ENTITIES CONTRACTED TO PERFORM ANY OF THESE OPERATIONS ON THE PROPERTY.

APPROVAL OF ANY BUILDING MATERIALS FOR USE WITHIN PROVENCE DOES NOT CONSTITUTE A RECOMMENDATION FOR SUCH USE NOR A WARRANTY OF QUALITY, IMPLIED OR OTHERWISE BY THE ACC. WHILE THE PROVENCE BOARD OF DIRECTORS USES REASONABLE EFFORTS TO CONSISTENTLY AND FAIRLY INTERPRET AND APPLY THESE DESIGN STANDARDS, THE PROVENCE BOARD OF DIRECTORS DOES NOT ASSUME ANY RESPONSIBILITY FOR A BUILDER OR OWNER'S FAILURE TO COMPLY WITH THESE DESIGN STANDARDS, THE COVENANTS, OR ANY OTHER PROVENCE RULE OR REGULATION. THE PROPERTY OWNER WILL BE LIABLE FOR ANY DAMAGE TO OTHER PROVENCE PROPERTIES AND NOT THE PROVENCE BOARD OF DIRECTORS.

PROVENCE DESIGN GUIDELINES

The following guidelines were written to help residents plan projects and submit requests. The ACC will carefully consider the location, height and scope of a project in relation to surrounding properties. The ACC may require landscaping of sufficient height and density to minimize the project's visibility. The following subjects are covered under the ACC Guidelines and must be approved by the ACC before purchase or installation.

Awnings. All permanent awnings must be preapproved by the ACC. The Association recommends Awning Company of America for installation or replacement of your front door awnings. This company is aware of the acceptable Provence colors and styles. If an existing front door awning needs replacement due to normal wear and tear, it is the responsibility of the homeowner to replace the awning. To better protect a homeowner's front door, if the unit does not have an existing awning, the Association will pay for a new awning frame; the homeowner pays for the installation of the canvas awning.

Generally, awnings and frames are not the responsibility of a homeowner's association. However, when Provence was built, awnings over the front door were an accessory. Doors without awnings need refinishing more frequently than doors with awnings due to severe weather and sun damage. Several years ago, the Association's board, on advice from the Association's legal counsel, elected to help erect awnings where there were none, to further protect the appearance and quality of the units. It was decided at that time that the awning material would be the expense of the homeowner and frame would be the expense of the Association. If a homeowner did not want an awning erected, the Association is only obligated to refinish the front door every five years with the regular exterior painting.

Building Numbers. Unit numbers are to be the same type and size throughout the community as approved by the Architectural Control Committee. Additional address numbers are to be black, no larger than four inches and mounted on the trim above garage doors.

Decks, porches, arbors, and patios. No improvements may be made to the exterior of your unit without first submitting a proposed plan for the improvement to the ACC. Decks, deck railings and arbors must be constructed of weather-resistant wood and architecturally consistent with similar structures in the surrounding area. Decks and deck railings will be either natural or in a color that complements the exteriors of the buildings. Natural staining or color painting of deck and deck railings will be allowed. The ACC will consider the visual effect on surrounding properties in approving decks, porches, and patios.

Decks or structural changes to the concrete slab patio in the homeowner's back yard will not be authorized unless complete plans are submitted and approved by the ACC. Changes include erection of any structure, bracing, roller, holder, or device for awning or permanent shelter on or to the side of any Provence unit. Nothing may be attached to a neighbor's exterior walls. Damage to the siding or trim is to be repaired by the homeowner.

Fencing. Use cedar fencing that closely matches existing boards since style availability has changed throughout the years. If the homeowner can not match the remaining boards in the fence, the entire fence will need to be replaced. The attachment of a fine gauge, vinyl-coated wire to the inside of fencing is approved. Fences may be stained in a natural finish or painted using KVAL Tavern Taupe.

Front Doors. The front door may be replaced with a wooden door like the present standard or a similar model with glass enclosures may be selected. No colored glass will be permitted. Front

doors are to be stained in accordance with Provence standards. No painting of front doors is allowed. (Examples of sample doors are available from the ACC.)

Garage Doors. Replacement garage doors are to closely match preexisting door styles and painted according to the current Provence exterior colors.

Landscaping. Landscaping in your front courtyards or enclosed backyards must first be approved by the ACC to ensure your neighbor's privacy and the harmony of the community. Completed plans indicating location of new and existing plants and trees are required along with sprinkler placement. All trees planted in an Owner's backyard must have prior written approval from the ACC.

Room Additions/Remodeling. Any structural modifications to the interior or exterior of your unit must be approved by the board before submitting plans to the City of Denver. Drawings must be reviewed and approved by the ACC prior to construction. A City of Denver building permit and inspection record must be presented to the ACC before any work begins on the property.

Satellite Dishes. Dishes must be no larger than 18" diameter mounted in the least visible area of your unit. Dishes must be secured to the siding with proper anchors. Damage to siding will be repaired by the owner if dish is removed, relocated, replaced, or vandalized.

Security doors. Security doors may be added. Full view storm doors are permitted in white powder coat. No aluminum finishes are allowed. The color of storm doors may be beige, factory white or black.

Spas, and hot tubs. Spas and hot tubs will be located to minimize the visual effect on surrounding properties. Landscaping and fencing will be submitted with the request. A buffer zone of at least 10 feet within the property lines will be reserved for planned landscaping. The lot size; topography; location of equipment; landscaping plans; and the design, color, material, and method of installation; and location of pools, spas, and hot tubs will be carefully considered.

Hot tubs, jacuzzis, swimming pools, or other such devices are not to be installed without the prior written consent of the Architectural Control Committee. Water supplied for any such device is the property of the Association and will not be given without prior approval of the installation. Plans for the installation, carpentry, plumbing, electrical, water treatment, wastewater disposal, and fresh water input must be submitted with the original proposal. No wiring or related items are allowed where it may be adjacent to or affixed to a neighbor's exterior wall.

Sports/Athletic Equipment. Exterior sports or athletic structural equipment whether permanently installed or not, must be approved by the ACC.

Application for Construction/Property Improvement

PLEASE PRINT

Owner name _____ Date _____

Property address _____ Unit # _____

Mailing address (if different) _____

Work phone _____ Home phone _____

Construction Co/Builder _____ Phone _____

Starting Date _____ Estimated Completion Date _____

Activity ☐ Deck ☐ Fence ☐ Patio ☐ Windows ☐ Other

Describe Improvement Activity in Detail:

Please attach the proposed changes to your property. Include a drawing showing the exact location of proposed change, dimensions of change, and relevant surrounding features including all common property and adjoining homeowner units and the materials that will be used in construction. Should the ACC require additional information, your request will be deferred until additional information is received.

MATERIALS AND COLORS. All materials and colors are to be approved by the Provence Architectural Control Committee (ACC) and will be in accordance with current design standards.

1. Requests from an owner with a delinquent assessment account will be denied on the basis of the account delinquency. Once the assessment account is brought current, the design review committee will promptly review and act on the request.
2. The owner understands and agrees that no work in this request shall commence until written approval by the ACC is received. If the ACC fails to approve or disapprove in writing an application within 30 days after written plans and specifications have been submitted, approval will be deemed granted. The applicant may appeal an adverse ACC decision to the Provence Board of Directors which may reverse or modify such decision by a two-thirds vote of those directors present and voting at a meeting at which a quorum is present.
3. Once approved, construction must be completed within the approved construction time and must be done in a way that does not unreasonably interfere with neighboring properties. Applicant has responsibility for removal, in a timely manner, of any debris resulting from construction.
4. All construction materials for the job are to be contained within the owner's backyard during the construction project. No construction materials such as ladders, tools, lumber, or rock are to be placed in any common area of Provence.

PROVENCE DESIGN STANDARDS

5. No building, fence, sign, structure or projection from a structure shall be commenced, erected, maintained, improved or altered, nor shall any grading excavation, tree removal, planting, change of exterior color, or other work which in any way alters the exterior appearance of a residence shall be done without the prior written approval of the ACC. Design approval shall be based on the proposed modification's (a) size and location; (b) exterior design; (c) color and character of its exterior materials; (d) quality of the exterior workmanship; (e) construction timetable; and (f) provisions for adequate and timely exterior maintenance.
6. No sign advertising the construction firm's name is allowed on common property, in the front courtyard, or backyard of the homeowner.
7. All work must occur between the hours of 8:00 a.m. and 5:00 p.m. Monday – Saturday. Construction work may not take place on Sundays or legal holidays. Unnecessary noises, such as loud radios are prohibited.
8. The homeowner will make certain that the contractor and subcontractors are complying with the *Covenants*, Design Standards Manual, Rules and Regulations and applicable building codes.
9. Construction must meet all zoning, building codes, and laws of the City and County of Denver and appropriate documentation, including a building permit, must be submitted to the Provence Board of Directors before work commences. Nothing herein contained shall be construed as a waiver or modification of any such code or law. If applicable, utility easements are to be marked before work is started. This service is provided free of charge by Excel Energy and is required for your safety. There is a FINE if underground cables or conduits are severed.
10. Misrepresentation of any items in this request, either oral or written, may void any approval by the ACC.

Owner Signature _____ Date _____

Construction Compliance Agreement

Provence Townhouse Association

The undersigned, as owner or authorized agent of the owner (hereinafter called "Owner") of the property described below (the "Lot") agrees with the Provence Townhouse Association, a Colorado non-profit corporation (the "PTA") as follows:

1. Compliance with Documents. Owner has received, read and understood the PTA's Covenants, Conditions and Restrictions (the "Covenants") recorded against the Lot, the PTA's Architectural Control Committee standards (the "Rules"), and any other agreements or documents which are listed below, all of which are called the "Operative Documents" and are incorporated herein by the reference. Owner covenants and agrees to comply fully, timely and completely with the Operative Documents and with the plans approved and all requirements imposed by the PTA's Architectural Control Committee (the "ACC"). The plans as approved by the ACC may be changed only after the approval of a written change request; no changes may be started prior to such approval.

2. PTA Inspection. If any construction is pursued without inspections or approvals required by the Operative Documents, (for example, pouring cement without prior written approval by the ACC), a fine of \$500 will be assessed against the Owner. If the fine is not paid within fourteen (14) days from the date of infraction, a lien will be placed against the said property. In the event of any disagreement between the Owner and the ACC as to whether construction is in total compliance with the plans and specifications, the procedures of the Manual and the Rules shall be used in an attempt to resolve the dispute.

Owner shall be solely responsible for the compliance of the construction with the Operative Documents, even if Owner delegates or relies upon such contractors or professionals in the construction. For example, Owner is responsible for obtaining an accurate survey and staking of foundations and improvements.

3. Enforcement Rights. The PTA retains the right to impose additional fines pursuant to the PTA's Rules and to take any legal or equitable action against Owner or other persons, including without limitation, obtaining an injunction or temporary restraining order without the deposit of a bond, to enforce the Operative Documents and decisions of the PTA. In the event that this Agreement or any obligation under the Operative Documents or the decisions of the PTA must be enforced by the PTA through legal proceedings or advice, the PTA shall be entitled to recover all of its costs and expenses of such enforcement including, without limitation, reasonable attorney's fees. No approval and no act or omission by the PTA, or the ACC shall waive any provision of the Operative Documents or constitute any estoppel or bar to enforcement of the Operative Documents.

4. RELEASE OF CLAIMS. OWNER UNDERSTANDS AND AGREES THAT THE PTA IS A NON-PROFIT CORPORATION REPRESENTING ITS MEMBERS AND THAT THE ACC, AND THE PTA'S BOARD AND AGENTS ARE VOLUNTEERS ACTING WITHOUT COMPENSATION AND PROTECTED BY STATUTORY IMMUNITIES. OWNER, FOR HIMSELF, HIS CONTRACTORS, HEIRS, AGENTS, SUCCESSORS AND ASSIGNS WAIVES, RELEASES AND INDEMNIFIES THE PTA, THE ACC, AND THEIR SUCCESSORS AND ASSIGNS FROM ANY AND ALL CLAIMS, LOSSES AND DAMAGES RELATING TO THE APPROVALS, INSPECTIONS, STATEMENTS, AND CONSTRUCTION DESCRIBED IN THIS AGREEMENT. THIS RELEASE SHALL BE IN ADDITION TO STATUTORY IMMUNITIES FOR SUCH PERSONS AND ENTITIES. OWNER ASSUMES ALL RISKS AND RESPONSIBILITIES RELATING TO SUCH CONSTRUCTION.

PROVENCE DESIGN STANDARDS

IN WITNESS WHEREOF, the undersigned have executed this Construction Compliance Agreement this day of _____, 2002.

OWNER _____ OWNER _____
(Print) (Print)

OWNER _____ OWNER _____
(Signature) (Signature)

STREET ADDRESS _____

PROVENCE TOWNHOUSE ASSOCIATION,
a Colorado non-profit corporation by

Title: _____

ATTACHMENTS: APPLICATION FOR CONSTRUCTION/PROPERTY IMPROVEMENT

Please prepare *two copies* of this form.

**Include the
Application for Construction/Property Improvement along with
the signed Construction Compliance Agreement**

Steps for submitting documents to ACC:

- ♦ Decide what improvement you want to make.
- ♦ If needed, obtain drawings/layout of the project from the construction firm, or complete a layout yourself.
- ♦ Complete and sign the Application for Construction/Property Improvement form.
- ♦ Complete and sign the Construction Compliance Agreement form.
- ♦ Deliver all the documents to a member of the ACC.