

DESIGN GUIDELINES

FOR THE

STAPLETON ROWHOME ASSOCIATION

Stapleton Rowhome Association Design Guidelines adopted on 4.13.05. Revised 5.11.05 with a technical revision and the addition of an approved security door. Revised 8.10.06 to include the window well cover guideline. Comprehensive revision summer of 2010.

Table of Contents

List of Abbreviations	3
Statement of purpose	4
Activities requiring DRC approval.....	5
Submittal requirements for improvements.....	6
Design review committee procedures	7
General standard	8
Conditional approval.....	9
No waiver/precedent.....	9
Inspections	9
Variances.....	9
Amendments	10
Guidelines	11
Exterior of the building	11
Building attachments	11
Fences.....	12
Satellite dishes and antennas.....	12
All-season and security doors.....	13
Window well covers	13
Additions (decks, patios, greenhouses, awnings, sheds, etc.).....	13
Play structures.....	13
Trampolines.....	14
Hot tubs	14
Individual fenced back yards.....	14
Decks	14
Water features (ponds, fountains, etc.).....	14
Air conditioners.....	15
Common area landscape.....	15
Back yard landscaping (adopted 5.11.05)	15
Individual landscaping	15
Grading	15
Landscaping in the foundation back-fill zone.....	16
Parking (adopted 5.11.05)	16
Trash and recycling receptacles/bins (adopted 5.11.05)	16
Pet doors (adopted 5.11.05).....	17
Window coverings (adopted 5.11.05)	17
Decks, patios, and balconies (adopted 5.11.05).....	17
Holiday decoration, political, and temporary signs (adopted 5.11.05, amended 9.15.10)	17
Solar power units (adopted 11.15.10).....	18
Birdfeeder Guidelines (adopted Spring 2009).....	18

List of Abbreviations

DRC	Design Review Committee
EPDM	Ethylene propylene dienemonomer
HOA	Homeowner Association
MCA	Master Community Association
RRRDRC Committee	Residential, Renovation and Remodeling Design Review

Statement of purpose

The mission of the Stapleton Rowhome Association ("the Association") is to promote the long term value of the neighborhood and the harmony and social interaction between the residents for the greater good of the neighborhood. To enable the Association to succeed in its mission, all residents must follow the guidelines, rules and regulations of the Association. The Design Review Process is an important service provided by the Association. These guidelines are adopted pursuant to the authority granted to the Board of Directors of the Association ("the Board") and its Design Review Committee ("DRC") in the Charter for the Association ("the Charter")¹. They are intended to govern the DRC's review and approval of plans and specifications for improvements to be placed, erected, or installed within the Neighborhood, and to spell out the procedures to be followed by the DRC.

The purpose of these Rules and Regulations is not to anticipate all acceptable or unacceptable behavior in advance and eliminate all improvements or activities that fall outside of "the norm." In fact, it is expressly intended that the Board have discretion to approve or disapprove items, or to enforce or not enforce technical violations of the Governing Documents, based upon aesthetic or other considerations consistent with the established guidelines. The exercise of discretion in approving or enforcement shall not be construed as a waiver of approval or enforcement rights, nor shall it preclude the Board from taking enforcement action in any appropriate circumstances.

¹ See The Neighborhood Charter for the Stapleton Rowhomes, Adopted May 21, 2004. Table 1.1 and Section 2.3

Activities requiring DRC approval

All improvements must comply with these guidelines and be approved by the DRC as described in this document. Such improvements may include, but are not limited to:

1. Reconstruction, remodeling, penetration, alteration, or destruction of the exterior of any Rowhome or other structure
2. Addition to any Rowhome or other structure
3. Construction or material alteration of any grading or excavation
4. Disturbance of the surface of the land, including filling and tree removal
5. Changes to any previously approved improvement

These Guidelines shall not apply to the activities of the Founder, or to improvements to the Common Elements by or on behalf of the Association. Even with DRC approval, Homeowners must obtain any required approvals or permits from the City or the Stapleton Master Community Association Residential, Renovation and Remodeling Design Review Committee (RRRDRC).

Submittal requirements for improvements

Before work is commenced on any activity requiring DRC approval, the person seeking approval for such work ("the Applicant") shall submit the original and one copy of an application, containing at least the following information:

1. The completed Design Review Request Form
2. A plan depicting the location of the proposed improvement (with setbacks, if applicable)
3. A brief narrative description of the proposed improvement
4. A drawn or rendered depiction of the improvement with an indication of scale and dimensions
5. If the improvement is a change in the color, type, or style of the exterior or a treatment of an existing improvement: a sample of the material proposed and any other information that the DRC requests in order to be able to visualize the proposed changes
6. Any processing fee that may be established by the Board. (Currently, no such processing fee is charged.)

One copy of the application and submitted materials will be kept by the DRC, and the other set will be returned to the Applicant if and when approval is granted. No improvements shall be made until the Applicant has received written approval from the DRC.

Design review committee procedures

- 1) The Association's Board of Directors appoints the Design Review Committee, which must consist of a minimum of three members.
- 2) The initial Design Review Committee will serve terms of one year, two years and three years. After that, each Design Review Committee member will serve a term of three years.
- 3) The Design Review Committee will appoint a chairperson.
- 4) The Design Review Committee will attend an initial training with the Board of Directors.
- 5) The Design Review Committee will meet on a monthly basis, or on an as needed basis to not exceed once a month with at least two members present.
- 6) The Association's Manager will receive applications and review them for completeness. If an application is not complete, the Association's Manager will forward the application back to the Homeowner, noting the missing information. Once the application is complete, the Association's Manager will forward the application to the Design Review Committee.
- 7) The Design Review Committee Chairperson will be responsible for receiving all new applications from the Association's Manager, for scheduling the monthly meetings, for forwarding a response back to the Association's Manager, and for communicating with the Board of Directors as needed.
- 8) The Design Review Committee will review each application and either a) approve the application and specify a completion date, b) approve the application with stipulations and a specify a completion date, or c) reject the application, indicating the specific reasons for rejection and providing suggestions that could lead to acceptance (if possible). All decisions must be in writing.
- 9) The Design Review Committee may grant variances, as long as they provide to the Homeowner and the Board of Directors, in writing, a full explanation of the situation and why they chose to grant a variance.
- 10) A majority vote of the Design Review Committee constitutes action by the Design Review Committee. In the event of a tie vote, the request shall be decided by the Board.
- 11) The Design Review Committee shall have the right to disapprove any application which is unsuitable or undesirable for aesthetic or other reasons.

- 12) The Association's Manager will maintain a record of submittals, including the date received and any actions taken (with dates).
- 13) Immediately after receipt of the decision, the Association's Manager will forward the response back to the Homeowner.
- 14) If the Design Review Committee can not make a decision within 30 days of receipt of the complete application, the DRC will provide Homeowner with a reasonable timeframe for review completion to not exceed 30 additional days.
- 15) If the application is approved, the Homeowner can complete the approved changes.
- 16) If the application is denied, or if the Homeowner doesn't accept any attached stipulations, the Homeowner may appeal to the Board of Directors by resubmitting the application to the Association's Manager within 30 days after the decision of the Design Review Committee. The Board of Directors shall hear the appeal with reasonable promptness, after a reasonable notice of such hearing to the applicant. The decision of the Board of Directors shall be final and binding for this submittal.
- 17) The Design Review Committee will meet on an annual basis to evaluate this process, review submittal forms, review guidelines and other organizational components of the Design Review process, and submit any changes in process, forms, etc. to the Board of Directors prior to implementation for review and approval.

General standard

The DRC shall approve plans and specifications submitted for its approval only if it deems that:

1. The proposed improvement will not be detrimental to the appearance of the Neighborhood as a whole
2. The improvement complies with the Design and Guidelines and all other Governing Documents
3. The appearance of such improvement will be in harmony with the surrounding Neighborhood
4. Such improvement will not detract from the beauty and attractiveness of the Neighborhood

5. The improvement will be consistent with the Community Wide Standard, as defined in the Charter.²

Conditional approval

The DRC may condition its approval upon any or all of the following

1. The Applicant furnishing the Association with a reasonable Security Deposit
2. Such changes in the proposal as the DRC considers appropriate
3. Completion of the proposed work by a particular date

No approval granted shall be inconsistent with the Association Design Guidelines unless a variance has been granted in writing by the DRC. All approvals or disapprovals shall be in writing and maintained by the DRC. Actions by DRC shall require the vote of a majority of the members of DRC.

No waiver/precedent

The approval of a particular proposal, plan, specification, or drawing for any work done or proposed, or in connection with any other matter requiring approval, shall not be deemed to constitute a waiver of the right to withhold approval of any similar proposals, plans, specifications, or drawings, or other matters subsequently or additionally submitted for approval.

Inspections

The DRC may make periodic inspections of the Homes in order to ensure compliance with these Design Guidelines and any existing DRC approvals. Inspections from public access locations are allowed at any time. Inspections from any location other than public access areas shall performed only during reasonable hours after notice to the Owner.

Variances

The DRC may, at its sole and absolute discretion, grant variances to or adjustments of these Design Guidelines in order to overcome practical difficulties, prevent unnecessary hardship, or accommodate innovation with new trades or new products. Such variances may be granted, however, only when unique circumstances dictate.

No variance shall:

² Ibid, Section 6.1 Community Wide Standard

1. Be effective unless in writing
2. Be materially detrimental or injurious to other property or improvements within the Neighborhood
3. Stop the DRC from denying a variance in other circumstances.

For the purposes of this section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance [This section has been identified for removal by the committee however it would like to confirm it can be removed from our legal counsel due to how this is written ie in legal terms]. I would leave it in. The Committee may still grant variances for these reasons but this makes it clear that in and of itself, the inability to, for example, obtain financing is not a hardship.

Amendments

These Guidelines may be amended from time to time by the Board. Any amendments to these Guidelines shall apply to construction and modifications commenced after the date of such amendment, only, and shall not apply to require modifications to or removal of improvements previously approved once the approved construction or modification has commenced.

Guidelines

Exterior of the building

As defined in the Charter, the exterior of a Rowhome includes (but is not limited to) the roof, siding, brick, color, windows, window frames, light fixtures, and any architectural components of the neighborhood that create a unifying theme.³ Accordingly, no Homeowner may make changes to the originally installed materials, location, or color of a Rowhome without the written consent of the DRC.

No prior approval is necessary for the following:

1. Repainting the exterior of a Rowhome using the most recently approved color scheme
2. Rebuilding or restoring any damaged structures in a manner consistent with the original plans and specifications
3. Generally, work done to the interior of a Rowhome; however, modifications to the interiors of porches, patios, and other portions of a structure visible from the sidewalk or alley do require prior written approval from the DRC

Per the Charter, any changes to the architectural style of a Rowhome building may also need to be approved by the RRRDRC and, if the changes are in the front of the Rowhome, by the Community Planning Department of the City and County of Denver.⁴

Building attachments

The following guidelines are designed to ensure that all warranties are upheld and to maximize the life expectancy of the buildings.

Note: The Charter forbids “penetration” of the structure. However, the definition of “penetration” does not include the use of nails that are up to one inch in length with a head up to 1/8” in diameter if they are used on a wooden portion of the building.

Rowhome siding is non-structural and should not be used to hold substantial weight. Consequently, Homeowners may not attach items that weigh 10 lbs. or

³ Ibid, Exhibit A, Exhibit B: Maintenance Chart Service Area No. 1

⁴ Ibid, Section 5.1 Master Association Design Standards

more to the building without the approval of the DRC (with the exception of satellite dishes – see “Satellite dishes and antennas”). All building attachments must be non-offensive and well-maintained.

Flag mounts that are attached to the building are, technically, violations of this guideline. However, the HOA has agreed to allow one flag mount per unit. As with any change that requires building penetration, please request written approval from the DRC prior to installing a flag mount.

After removing a nail, the Homeowner must fill and paint the hole to bring it back to its former appearance. Any damage resulting from penetration of the building is the responsibility of the Homeowner.

Fences

The Rowhome fencing is maintained by the Association. Consequently, Rowhome Homeowners must follow these guidelines.

A Homeowner may insert nails up to one inch in length with heads up to 1/8” in diameter into a given length of fence in order to hang up to three items weighing ten pounds or less without the approval of the DRC. Additional or heavier items require the approval of the DRC.

Nails may not go completely through any part of the fence. All items on the exterior of a fence must be non-offensive and well-maintained.

Satellite dishes and antennas

A Homeowner may attach an antenna or satellite dish to a Rowhome without DRC approval, as long as the following conditions are met:

1. The item is one meter in diameter or less (in all directions)
2. The item's placement does not substantially degrade the reception of any other Homeowner's signal
3. The item may not penetrate the roof top, because of maintenance issues that may be caused by such penetration
4. The item's cables are hidden from view or painted to match the home

If possible, Homeowners will install satellite dishes in the back, out of street view.

An antenna or satellite dish that is more than one meter in diameter in any direction requires the approval of the DRC prior to installation.

All-season and security doors

External all-season doors and security doors may be installed without DRC approval if both the door and the hardware match the trim of the home and either meet or are aesthetically similar to the approved styles attached as Exhibit "A". If an all-season or security door and its hardware is not available in the home's trim color, black is acceptable for flat-roofed brick buildings and white or black is acceptable for all others.

Window well covers

No prior DRC approval is necessary to install a window well cover that lies flat on top of the window well. However, window well covers that are raised (bubbled) are not permitted.

Additions (decks, patios, greenhouses, awnings, sheds, etc.)

DRC approval is required for any additions, including (but not limited to) storage sheds, greenhouses, and awnings. [A question by the committee to legal – can the HOA legally deny a request to install an awning?] Such additions must adhere to the following guidelines. The Committee cannot deny a request for an awning as it is an energy efficiency measure defined by Colorado statutes. The Committee can, of course, control placement, color, size and the like.

Such additions must also be approved by the RRRDRC, and if they are in the front of the Rowhome, by the Community Planning Department of the City and County of Denver.⁵

Additions:

1. Shall match or be compatible with materials and colors used in construction of the other structures.
2. Must be constructed entirely within allowable building setbacks as established by the Final Development Plan.
3. Must be attached to the Homeowner's Rowhome by decks or walls.

Play structures

Play structures are allowed in individual fenced back yards, but must adhere to the following guidelines:

1. Shall match or be compatible with materials and colors used in construction of the other structures in the neighborhood.

⁵ Ibid, Section 5.2 Restrictions on Porch Modifications

2. Must be constructed entirely within allowable building setbacks as established by the Final Development Plan.
3. Wooden structures shall be stained to match the deck of the houses or the fence.
4. Metal structures shall be painted to match the house.
5. Large accessories, such as slides or awnings, shall be of neutral colors or darker tones.

Trampolines

Trampolines are prohibited within the Stapleton Rowhome Neighborhood due to the close proximity of the buildings.

Hot tubs

Individual fenced back yards

Hot tubs cannot negatively affect physical aesthetics, grading, or drainage. Hot tubs are allowed within individual fenced back yards but must adhere to the following guidelines and must be approved by the DRC:

1. Width must be based on the size of the courtyard.
2. Should drought or water restrictions be enforced by the City of Denver, the Homeowner will need to follow all such restrictions with regard to the hot tub.
3. All hot tubs shall be limited to a height of forty-two (42) inches above existing grade.
4. Landscaping or a screening trellis must be used to minimize the visual impact on adjacent residences.

Decks

Hot tubs are prohibited on decks because they both exceed the allowed load and present aesthetic issues.

Water features (ponds, fountains, etc.)

Water features cannot negatively affect physical aesthetics, grading or drainage. Water features are allowed within individual fenced back yards but must adhere to the following guidelines and must be approved by the DRC:

1. Water features must use recycled water.
2. Water features (including spouting water) cannot be higher than the existing fence.
3. Width must be based on the size of the courtyard. Water features cannot extend beyond 3% of the lot's total square footage.
4. Should drought or water restrictions be enforced by the City of Denver, the Homeowner will need to follow all such restrictions with regard to the water feature.
5. Underground water features must not exceed 3 feet in depth.
6. Water features must be located a minimum of five feet from the foundation of the residence.

Air conditioners

All newly installed air conditioners must be professionally installed in the location of the pre-wiring for such unit provided by the Founder as part of the Rowhome's original construction. DRC approval is not required if the air conditioner is installed in the location of the pre-wire. All newly installed exterior air-conditioning units must be screened so that they cannot be seen from sidewalks and streets in order to maintain an aesthetic streetscape. Window air conditioners are prohibited for aesthetic reasons.

These guidelines do not apply to replacements of existing air conditioners.

Common area landscape

Per the Charter, the landscape surrounding the buildings is a unifying element of the Stapleton Rowhome Neighborhood. Accordingly no one shall alter, add or change the common area surrounding the building without prior written, consent of the DRC.

Back yard landscaping (adopted 5.11.05)

Individual landscaping

Homeowners must control weeds and maintain proper drainage in their back yards.

Grading

No Homeowner may install improvements or alter grading to adversely affect drainage on any Lot.

Each Homeowner shall insure that all gutters, downspouts and extensions within such Homeowner's Lot remain in the down position and are free and clear of all

obstructions and debris and that the water flow from such gutters and downspouts is directed away from the foundation and/or slabs on any improvement.

No Homeowner may alter, obstruct, or obliterate any drainage swales, pans, easements, or channels located or installed on any Lot or Common Areas

Landscaping in the foundation back-fill zone

Per the Charter, proper drainage away from each Rowhome is essential in order to minimize potential swelling of expansive soils that may exist on the Property.⁶ Consequently, unless otherwise approved by the Board, the five-foot area surrounding the foundation of any structure may not be landscaped with live plant material that requires watering, unless a drip line system is installed following the guidelines as followed:

1. An EPDM membrane with a minimum thickness of 10 millimeters must be installed at a minimum of six to eight inches below top of the grade, covering that portion of the Backfill Zone where plants are installed.
2. The EPDM must be sealed to the foundation of the home structure and have negative slope away from the foundation.
3. If a drip line system installed, all connections for the drip line must be made out of the Backfill Zone.

Each Homeowner is responsible for maintaining the proper grading of the Backfill Zone on his or her home.

Parking (adopted 5.11.05)

The primary parking space for Owners and their families shall be within their individual enclosed garage. On-street parking shall be for guests and supplemental parking only. [There was question by the committee regarding the legality of this statement – can we legally deny someone from parking on the public street in front of our homes?] There is nothing in the Declaration that would allow you to prohibit parking on a public street. Parking outside of the garage on the Homeowner's driveway is permitted if the vehicle(s) can be parked perpendicular to the garage door, the Homeowner's driveway footprint can accommodate the vehicle(s) without obstructing alley access, and the vehicle fits within the boundary of the driveway apron.

⁶ Ibid, Section 5.5 Landscaping in the Back Fill Zone

Trash and recycling receptacles/bins (adopted 5.11.05)

All trash and recycling receptacles/bins shall be taken out no sooner than 12 hours prior to the pick-up schedule, and shall be returned to the garage for storage no later than 12 hours after removal. This guideline ensures that unsightly but necessary items such as trash and recycling receptacles are in public view for as short a time as possible.

Pet doors (adopted 5.11.05)

Pet doors are permitted in ground-level back doors that open to an enclosed fenced area. However, pet doors are prohibited in the front of a Rowhome, above ground level, and anywhere on the building besides a door, due to aesthetic and maintenance issues.

Window coverings (adopted 5.11.05)

Appropriate window coverings, including but not limited to curtain, drapes, blinds, shades, or temporary coverings, shall be installed within 90 days of the purchase of a Rowhome. Unacceptable window coverings include, but are not limited to, bed sheets, tarps, burlap, and any other material not specifically designed as a window covering.

Decks, patios, and balconies (adopted 5.11.05)

Outdoor furniture on decks, patios, and balconies must be appropriate. Unacceptable furniture includes, but is not limited to, coaches, sofas, and any other furniture that is not specifically designed as outdoor furniture. Decks, patios, and balconies must have a neat, orderly appearance and can not be used for storage. Hanging or potted plants are permitted within a deck, patio, or balcony, as long as they are in containers that do not cause water to drain on the siding or into neighboring units.

Holiday decoration, political, and temporary signs (adopted 5.11.05, amended 9.15.10)

Holiday decorations and political signs are permitted, but may not be placed any earlier than 45 days before the holiday or event, and they must be taken down 45 days after the holiday or event.

Holiday decoration, political, and temporary signs cannot be placed in a common area unless prior written approval is received from the DRC.

Temporary signs, such as Garage Sale, Yard Sale, Slow Down, For Rent, For Sale, party, and birth announcement signs are permitted as long as:

1. They are less than 20" x 26" in size

2. They are limited to one per the face of each house. A sign can be placed in a window area or on the façade of the owner's building.
3. They are taken down with 30 days after the event has occurred

For Sale or For Rent signs must follow all of the above requirements, but may be in place for up to 180 days.

Solar power units (adopted 11.15.10)

The installation of solar power units is permitted, with the following restrictions and guidelines:

1. A completed copy of the "Approval of Installation and License Agreement - Solar Panel (Approval of Installation and License Agreement - Solar Panels)" license agreement must be fully executed and returned to the DRC along with proposed plans prior to any installation.
2. Panels must be mounted on the roof if possible.
3. Panels should be mounted flush with the roof if possible. Tilt-ups are discouraged.
4. Try to keep the total height of the solar panels to 6 inches, with a standoff of four inches or less.
5. Panel color should match roof/shingle color as closely as possible.
6. Panels may be flush with the edge of the roof, but may not overhang the edge of the roof. In addition, panels must be at least two inches from the property line.
7. Panels should be laid out in a continuous pattern whenever possible (for example, not in a checkerboard pattern)
8. No additional power meters shall be added to the outside of the building. It is permissible to replace the old power meter with a new one, though.

Birdfeeder Guidelines (adopted Spring 2009)

1. Only liquid feeders may be placed on the property.
2. Feeders must be taken down from October 1 - March 31 when migrating birds are not present. This is to eliminate a constant food supply that encourages pigeons and rodents.

3. Homeowner must consider location of feeder to minimize nuisance to neighbors.
4. Owner shall be responsible for damage that bird waste causes to landscaping, building, air conditioning units, etc.

Fullview

Exhibit "A"

All Season Door



Energy Efficiency

- Low-maintenance aluminum over solid wood core.
- Quad Seal system on bottom, sides and top — including water-diverting rain cap.

Beauty

- Color-matched* push-button hardware.
 - Color-matched sweep enhances home's beauty.
 - Color-matched* closer.
- * Black for Bronze

Convenience

- Window and insect screen snap in/out. No tools required!
- Reversible hinge lets you match left- or right-side entry door handle. Opens 180° when

Security

- Easy-to-use night latch.
- Tempered glass provides extra safety.

Durability

- Innovative window system provides outstanding protection against water infiltration.
- One closer.

Security Door

Exhibit "A"

