

# **COUNTRYSIDE NORTH OWNERS ASSOCIATION**

## **ARCHITECTURAL GUIDELINES**

With Revisions Adopted  
July 16, 2009  
April 7, 2010  
August 9, 2010

## ARTICLE I - INTRODUCTION

A. DEFINITIONS – The following words, when used in these Guidelines, shall have the meaning hereinafter specified:

1. "Architectural Guidelines" means these guidelines as they may be amended from time to time by the Board of Directors.
2. "Declaration" Shall mean this Declaration of Covenants, Restrictions and Easements for Countryside North Community.
3. "Existing Improvements" means all existing exterior improvements, structures and appurtenances thereto or components thereof of every type or kind constructed to completion as of the effective date of these Architectural Guidelines. This term includes but is not limited to landscaping, plants, sidewalks and drives, patios, fences, outbuildings, play areas, poles, exterior lights, irrigation systems and any other improvement visible from the exterior of a house from any vantage point.
4. "Fountain" means the City of Fountain, Colorado.
5. "Home" or "home" means a residence that has been built, or is to be built, on a lot that is in the Community Area.
6. "Owner" means the Declarant, a builder, or other person who owns a Lot, but does not include a person having an interest in a Lot solely as security for an obligation. The Declarant is the owner of each Lot provided for in the Declaration until that Lot is conveyed to another person who may or may not be a Declarant.
7. "Proposed Improvement" means any Improvement which has not been constructed, installed, erected to completion or removed or demolished OR any Improvement which has not been approved by the Architectural Committee.

All other terms used herein shall be as defined in the Declaration of Covenants, Conditions, Restrictions and Easements for Countryside North as recorded at reception #206165440 in the records of the Clerk and Recorder of El Paso County, Colorado, as amended.

B. PRIOR APPROVAL – In accordance with the Declaration, prior approval by the Architectural Committee is required before any improvement is constructed, erected, placed, or altered. The Architectural Guidelines establish certain acceptable designs for different types of improvements. These Architectural Guidelines apply to all residential property in the Community Area.

C. EFFECT OF GOVERNMENTAL AND OTHER REGULATIONS – Approval by the Architectural Committee will not constitute assurance that improvements comply with applicable governmental requirements and regulations, or that a permit or approvals are not also required from applicable governmental bodies. For information about Fountain requirements, Owners should write or call Fountain's Public Works Department. To the extent the Guidelines conflict with applicable building codes, governmental regulations and requirements, those governmental codes, regulations and requirements control.

D. UTILITIES – In making improvements, Owners are responsible for locating all water, sewer, gas, electric, telephone, cable television, irrigation lines, and other utility lines and easements. Owners should not make any

improvements over such easements without the consent of the utility involved, and Owners will be responsible for any damages to utility lines. Underground utility lines and easements can usually be located by contacting the Utility Notification Center of Colorado at 1-800-922-1987.

- E. PURPOSE – Compliance with these Architectural Guidelines and the provisions of the Declaration will help preserve the architectural and aesthetic quality of the Community Area. It is important that the improvements be made in harmony with and not detrimental to, the rest of the Community Area. Architectural Guidelines are implemented to protect the financial investment of all Owners.
- F. ENFORCEMENT OF ARCHITECTURAL GUIDELINES – The Architectural Committee shall have primary responsibility for the enforcement of the architectural requirements of the Declaration and these Architectural Guidelines. However, the Board may supersede any decision of the Architectural Committee.
- G. NEIGHBORS - It is recommended that Owners seeking Architectural Committee approval of proposed improvements, discuss the proposed improvements with other nearby Owners. The Architectural Committee may request nearby Owner (and in some cases are required by these Architectural Guidelines to obtain nearby Owner) input in the Architectural Committee's decision making process.

## ARTICLE II - SPECIFIC TYPES OF IMPROVEMENTS – ARCHITECTURAL GUIDELINES

### A. GENERAL

- 1. See Declarations, Section 4.5. The architectural style, color and materials of a proposed home or improvement shall be consistent with the style and character of the other residences built in the Community Area. The Architectural Committee in its sole discretion shall determine such consistency.
  - 2. The following list covers a wide variety of specific types of Proposed Improvements which Owners typically consider installing. Information is given as to each. Unless otherwise specifically stated, an Application (defined below, ARTICLE V, B.) with drawings or plans for the Proposed Improvement(s) shall be submitted to the Architectural Committee, and the written approval of the Architectural Committee shall be obtained before commencement of the Proposed Improvement(s) starts. Drawings or plans shall include dimensions, setbacks, roof slopes, types of materials and both elevations and plan views of all proposed expansions or additions. Applications for paint or stain color changes must be accompanied by samples or chips of the colors to be approved, along with a written description of color schemes of adjacent homes. Drawings plan and other color samples will be retained in Architectural Committee files for future reference. The Architectural Committee may obtain input from the Board on any requests for approvals. In some cases, where specifically stated, a type of Proposed Improvement is prohibited. Proposed Improvements, which are not listed, will require Architectural Committee approval.
- B. ADDITIONS AND EXPANSIONS – Architectural Committee approval is required. Additions or expansions to the Home will require submission of detailed plans and specifications, including description of materials to be used, and plan and elevation drawings showing dimensions, setbacks, roof slopes, etc. Additions and expansions must be of the same architectural style and color as that of the Home. As a part of the approval decision, the Architectural Committee shall consider the overall size and footprint of the existing home, the proposed addition and other improvements in relationship to the lot size. All work is subject to obtaining required permits from City of Fountain.
  - C. ADDRESS NUMBERS – Architectural Committee approval is required to relocate the address numbers to a position different from that originally installed by the Home builder.

- D. AIRCONDITIONING EQUIPMENT – Architectural Committee approval is required. –Exterior mounted air conditioning equipment must be ground-mounted and installed in the rear or rear ½ of the house on side yard. Any unit must be not be visible from the street right-of-way and must be screened from view and shall be installed in such a way that any noise affecting adjacent homes is minimized. Installation of air conditioning equipment on the roof of the home or in a window of the home will not be permitted. Evaporative/Swamp Cooler units are permitted in accordance with the above requirements and as allowed by Colorado Revised Statute Section 38-30-168, as amended from time to time.
- E. ANIMAL SHELTERS – Aside from animal shelters for those animals allowed by the Declaration, no animals or animal shelter shall be constructed or maintained on a Lot. Architectural Committee approval is required prior to placement or construction of any animal shelter. Also, see "DOG RUNS," below.
- F. ANTENNAS – Except as permitted by the FCC regulations, no exterior radio antennas, television antennas or other antennas may be erected unless approved in writing by the Architectural Committee. See Declarations, Section 4.7. However, the Architectural Committee will consider for approval satellite dishes that are no larger than one meter in diameter or length and flat array wireless cable TV antennas. Requests to the Architectural Committee for approval of installation of such instruments must meet the following minimum requirements:
1. The Owner shall install the satellite dish in the back or side of the home behind the fence line or an inconspicuous location while still allowing for proper service and reception; and
  2. The satellite dish shall not be more than one-meter in diameter.
- G. BALCONIES AND DECKS – Architectural Committee and adjacent lot owner approval is required. Colors and materials must match or compliment the home. Exterior stairs and landings shall not project perpendicularly from the side of the home.
- H. BASKETBALL BACKBOARDS –Basketball backboards may be placed in a permanent location with committee approval. The location of a permanent backboard must either be garage mounted or pole mounted (temporary backboards to be placed in a permanent location will be considered on a case by case basis). If garage mounted the backboard and support structure should be clear or painted the same color as the house, unless otherwise approved by the committee. Pole mounted backboards must be between the house and the halfway point where the driveway meets the sidewalk, but not closer than 10 feet to the sidewalk. Garage mounted backboards in the front yard may not project more than two (2) feet from the front of the garage. Rims and nets on all types of basketball units must be maintained in a neat and clean appearance. Temporary basketball backboards that are not in an approved permanent location must be stored within the home or behind the fence and must not be observable from the street when not in use. (Revised July 16, 2009)
- I. BUILDING HEIGHT – Requires Architectural Committee review and approval and must comply with applicable building codes and zoning regulations established by the City of Fountain.
- J. DEMOLITION - See Section 6.2 (c) of the Declaration.
- K. DRIVEWAYS – All driveways (including circular drives) leading from the street to a Home or Parcel are to be constructed of permanent, properly formed and reinforced, hard-surfaced paving (i.e., concrete with a four inch (4") minimum thickness). **Modifications to the original driveway placed by the Home builder require Architectural Committee approval.**
- L. MOTOR HOME VEHICLES – Motor home vehicles can be stored on the side, screened and enclosed if the lot is big enough and not to exceed over 8 feet high. All homeowner need to submit an architectural form before changing the structure of the home. (Revised July 16, 2009)

- M. DECKS – Architectural Committee approval is required. Decks must be constructed of wood, artificial wood or other material matching the material of the Home and, if painted, must match the color scheme of the Home, unless otherwise approved by the Architectural Committee. Decks must be installed as an integral part of the Home and patio area. Construction of decks over easement areas is not permitted. Dimensions and location must be submitted on drawings.
- N. DOG RUNS – See Declarations, Section 4.10. Architectural Committee approval is required. Dog runs must be constructed with fencing approved by the Architectural Committee. Dog runs must be located in the rear or side yard, abutting the Home and substantially screened from street, sidewalk or adjoining lot view. Dog runs are limited in size to 400 square feet and cannot be higher than the Parcel boundary fence. Wood fence screening or mature landscape screening is required to hide the view of the dog run. Dog runs must have double fence when next to any Association owned fence and may not use any Association owned fence as part of the dog run fence. The Architectural Committee, in its discretion may require written consent from adjacent Owners. Lot boundary fences that are to be used for part of a dog run must match existing fence installed by builder or otherwise approved by the Architectural Committee.
- O. DOORS – Architectural Committee approval is required for the addition or replacement of storm or other type exterior doors to a Home. The material should match or compliment existing colors of the Home unless otherwise approved by the Architectural Committee. Security doors or security window bars require Architectural Committee approval. The approved existing colors will be white, black and the colors of the approved Home colors.
- P. EXTERIOR MATERIALS AND COLORS – See Declarations, Section 4.4. Unless otherwise approved by the Architectural Committee, exterior walls of Dwelling Units shall be constructed of or covered by wood, stone, stucco, and brick or manufactured siding approved by the Architectural Committee. Pressed wood, engineered wood, particle board, fiber board, plywood or other similar materials are not allowed for exposed exterior surfaces. The Architectural Committee shall not approve exterior material for dwelling Units and other Improvements if such materials are not compatible with materials used on neighboring Dwelling Units. See also COLOR, below.
- Q. FENCES See Declarations, Section 4.9.
1. General – Fences, walls, brick columns and entrance monuments (all individually and collectively, “fences” or “fencing”) constructed by developer and/or builder along or abutting Parcel lines, arterial streets, collector streets or local streets may not be removed, replaced, stained or painted a different color or altered, including adding a gate. If any such fence is damaged or destroyed by an Owner or Owner’s agents, guests, or tenants, the Owner shall repair and recondition the same at the Owner’s expense.
  2. Design – **Any fencing, other than installed by builder or Declarant, must be approved by the Architectural Committee.**
    - a) Double Fences – Not permitted, except for Dog Run double fences (see above). Check with the Architectural Committee.
    - b) Staining – Fencing shall have transparent natural cedar color only.
    - c) Gates – Double gates are not permitted. Additional gates opening to the street or open space are not permitted.

3. Fencing materials shall be of cedar. Composite fencing materials (manufactured from combination of wood fiber and recycled plastic) or stone *may* be used upon the approval of the Architectural Committee, in its sole discretion. In such instance, a physical sample of the material (to indicate color, texture, quality, etc.) shall be provided with the Application. Plastic (including vinyl or other similar man made materials), pressed wood, engineered wood, particle board, fiber board, plywood, metal, chicken wire, chain link, hog wire, barbed wire, strand wire or other materials are not allowed. All property line fence height differentials must have a transition to existing or prior approved fence. Cedar fences are preferred unless other wise approved by the Board. (Revised August 9, 2010)
  4. Fences shall not be constructed within right-of-way areas or side parcel easements and therefore, must be set back from the sidewalk the distances established in the City of Fountain's requirements.
  5. Maintenance Responsibility – Deteriorated fence materials must be replaced by the Owner with materials identical to the original in quality and design.
  6. Fences shall be no taller than 6 feet and no shorter than 5.5 feet (from ground level). Fences shall be of uniform height, consistent with the surrounding homes. Fences shall extend to ground level with minimal ascertainable gap between the ground and the lowest portion of the fence.
- R. FLAGS AND FLAGPOLES – Architectural Committee approval is required. Flag poles shall be no more than 20 feet in height. The American flag may be displayed within the owner's Lot on an approved flag pole or on a diagonal pole attached to the Owner's home. Additionally, during time of war or armed conflict, Owners may also display a military service flag denoting the service or unit of the owner or immediate family member residing in the home in military service. All flags displayed shall not be larger than 3 foot by 5 foot.
- S. GREENHOUSE STRUCTURES OR WINDOWS – Architectural Committee approval is required.
- T. HOT TUBS, SPAS OR POOLS – Architectural Committee approval is required. Hot tubs or spas must be an integral part of the deck or patio area and in the rear yard. Pools (including areas related to them) shall not be of a size that exceeds 50% of the rear yard, as determined by the Architectural Committee.
- U. IRRIGATION SYSTEMS – Underground manual or automatic irrigation systems will not require approval of the Architectural Committee. Such systems shall not be installed within five feet of the home's foundation.
- V. LANDSCAPE AND MAINTENANCE – Architectural Committee approval required. In accordance with the Declaration, adequate landscaping must be installed within six (6) months after the date of original closing with home builder. Landscaping includes sod.
1. In addition, landscaping shall follow all requirements of Fountain.
  2. Gravel, rock and/or soil piles left in front or on visible side yards of Parcels, in the street, or on the driveway shall be left in longer than a period of (15) days. Leaving gravel, rock and/or soil piles the streets are not allowed. Contact Fountain for more specific information.
  3. Delivery and placement of landscape materials shall not damage greenbelt or entry/median areas. Delivery trucks are not allowed to cross these areas (to avoid sprinkler and landscaping damage). If this regulation is violated and damage to the Association's common areas or elements results, the Owner will be held financially responsible for repairing the damage caused by the Owner or the Owner's contractor(s) agent, guests or tenants.

4. Xeriscape – Architectural Committee approval is required. As used here, xeriscaping is not merely applying rock and mulch to an area. It is rather, the design and use of soil analysis and plant and mulch selection and placement along with proper maintenance to minimize irrigation water usage. To the extent practical, the Architectural Committee and the Board encourages xeriscaping.

See Declarations, Section 5.6 for completion deadlines for Landscaping. Owners are advised that they are responsible for maintaining all silt fences, drainage ways and other erosion control devices (including landscaping) on their property and Owners may be liable for failure to maintain such devices or systems.

- W. LIGHTS AND LIGHTING – See Declarations, Section 5.4. Architectural Committee approval is not required for exterior lighting which is in accordance with the following regulations. Exterior lights must be of the same style and character as those installed by builder on other Homes or parcels, and be as small in size as is reasonably practicable. Exterior lighting should be directed toward the Home and must be of low wattage (25 watts or under for each bulb) and directed or screened to minimize glare sources to neighbors and other Owners. Any variance from these Architectural Guidelines or use of high wattage spotlights or floodlights requires Architectural Committee approval.

Holiday lighting displays are permitted without Architectural Committee approval 30 days prior to the holiday and 15 days after the holiday. However, any lighting (or associated sound effects) that causes glare, discomfort or disrupts the living environment of adjacent or neighboring lots is prohibited. In such event (whether a neighbor complains or not) the Architectural Committee, in its sole discretion may determine that a display is not permitted and shall thereafter be promptly shut down and removed.

- X. OVERHANGS AND AWNINGS – CLOTH OR CANVAS – Architectural Committee approval is required. The color must be the same as the exterior of the Home, unless otherwise approved by the Architectural Committee. Metal or fiberglass awnings are not permitted.
- Y. PATIOS AND PATIO COVERS – Architectural Committee approval is required. Plans must show the exterior elevation, designate materials and colors, and include dimensions.
- Z. PAVING – Architectural Committee approval is required for front yard and exposed side yard changes, regardless of whether for walks, driveways, patio areas or other purposes.
- AA. PLAY AND SPORTS EQUIPMENT (INCLUDING PLAY HOUSES) – Architectural Committee approval is required. Equipment or play house shall be located in the rear or side yard. Size of equipment, play houses and play yards will be determined on a case-by-case basis depending on Parcel size and proximity to neighbors. The maximum height of the equipment or play house will be determined on a case-by-case basis but in any event, shall not exceed eight feet (8') from adjacent ground level. In the Architectural Committee's discretion, written consent of adjacent lot owners may be required. Colors and exterior surfaces shall be compatible with the requirements of EXTERIOR MATERIALS AND COLORS, above and COLOR, below.
- BB. RETAINING WALLS - Architectural Committee approval is required. Retaining Walls shall be as low as possible but cannot exceed 3 foot in height. If additional height is required, retaining walls shall be terraced and the terraced retaining walls shall be roughly equal in height. Acceptable finish materials shall be stone, manufactured stone, masonry, textured and colored concrete or stucco. Gray or painted concrete blocks are NOT acceptable. Other materials may be considered on a case by case basis. Retaining walls must be properly anchored to prevent overturning, in accordance with normally accepted engineering standards applicable to the soils on the Lot and in effect for the region. Weep holes shall be incorporated in the walls. Retaining walls shall be properly waterproofed and the uphill side must be adequately drained.

CC. ROOFS & SOLAR EQUIPMENT – Architectural Committee approval is required. See Declarations, Section 4.6. The Architectural Committee and the Board encourage alternative energy sources for home use. To that end, solar panels may be placed on a home's roof. Roof mounted solar panels are to be incorporated into the roof design and positioned flush with the roof's surface. Frames around the solar panel(s) must be complimentary in color. Solar panel related plumbing, wiring and mechanical equipment must be enclosed or screened from view. Solar panels shall not be placed other than on a home's roof. Retractable clotheslines are considered solar equipment and are permitted as allowed by Colorado Revised Statute Section 38-30-168, as may be amended from time to time.

DD. ROOF TOP EQUIPMENT – Generally not permitted. Roof vents on the non-street side of the structure are permitted upon Architectural Committee approval.

EE. SHEDS – Architectural Committee approval is required. Materials shall be the same materials as on the exterior of the Home. Sheds shall be allowed only in rear of yards and must be screened from view by a Fence. Sheds must be the same color as the exterior of the Home, unless otherwise approved by the Architectural Committee. Sheds shall not be more than eight feet, (8') high at the peak, nor larger than 90 square feet. Siding, roofing, and trim materials must match those on the Home. The Architectural Committee, in reviewing the application for shed approval shall consider parcel grading, fence locations, landscape screening, etc., in granting any approvals for a shed. See COLOR, below.

FF. SHUTTERS – EXTERIOR – Architectural Committee approval is required. Exterior shutters must be the same materials and painted to match the color scheme of the exterior of the Home, unless otherwise approved by the Architectural Committee.

GG. SIDING – Architectural Committee approval is required. Siding must be the same as the siding installed by the builder on other Homes in the Community Area, and must be painted according to standards established in these Guidelines.

HH. SKYLIGHTS – Architectural Committee approval is required.

II. STATUARIES, FOUNTAINS AND YARD ORNAMENTS – Statuaries, fountains, other water features and yard ornaments of any kind will not be permitted in the front yard without prior approval of the Architectural Committee. The Architectural Committee will consider limited statuaries and fountains if the proposed improvement is consistent with the overall lot landscape theme, is consistent with house colors (both Owner's and adjacent houses), and is located on porch steps or within a five foot boundary from the front of the house. Height of the statuary shall not exceed 36" in height.

JJ. UTILITY EQUIPMENT – Installation of utilities or utility equipment requires Architectural Committee approval unless located underground or within an enclosed structure. Pipes, wires, poles, utility meters and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.

KK. VANES, WEATHER – Architectural Committee approval is required.

LL. WINDOWS – Architectural Committee approval is required for all windows not of the same make, design as originally installed by the builder. Submission of plans and specifications to the Architectural Committee shall include a description of the window frame material and color. Replacement windows shall be substantially the same as those initially installed.

MM. WIND TURBINES, WINDMILLS OR WIND GENERATORS – Permitted in accordance only with the requirements of Colorado Revised Statute Section 38-30-168(2) (c) as any be amended from time to time.

NN. ALL OTHER ITEMS - For any Proposed Improvements or other items not specified in either this ARTICLE II or the below ARTICLE III, specific Architectural Committee approval is required.

### ARTICLE III - IMPROVEMENTS NOT ALLOWED IN THE COMMUNITY

The following list covers the specific types of Proposed Improvements which are not allowed (with limited exceptions) in the Community Area.

- A. CARPORT – Not permitted.
- B. ASTRO TURF – Neither Astro-turf or similar material nor any other floor covering shall be used on the front porch or any balcony.
- C. HORNS AND OTHER SOUND DEVICES - Not permitted. See Declarations, Section 5.5.
- D. MINING AND DRILLING – Not Permitted.
- E. SEWAGE DISPOSAL SYSTEMS (CESSPOOLS AND SEPTIC TANKS) - Not permitted.
- F. SIGNS - Unless permitted in the Declaration, no sign of any kind shall be displayed to the public view on any part of a Parcel or Home, except one professional sign per dwelling advertising a dwelling for sale or rent, and signs used by a home builder to advertise dwellings for sale or rent during the construction and sale period. Up to two (2) non-advertising security system signs, each not larger than one (1) square foot, will be allowed.

One political sign not larger than 5 square feet in size (however, sign it may be double sided) may be placed in the Owner's front lawn not more than 45 days prior to an election the sign pertains to and must be removed within 5 days of that election. Any political sign shall not be placed within 5 feet of the curb. As used here, a political sign is a sign intended to influence the outcome of an election by support or opposition to a candidate, cause or ballot issue.

Signs are further restricted by Fountain. See Section 5.14 of the Declaration.

- G. TEMPORARY STRUCTURES – Only as permitted by Declaration. (See Sec 3.6.)
- H. TREE HOUSES – Not Permitted.
- I. UNDER DRAINS – Modification or impeding the flow of drainage is prohibited.
- J. WELLS, WATER OR OTHERWISE – Not Permitted.

### ARTICLE IV - ADDITIONAL MATTERS OR REQUIREMENTS

COLOR – Architectural Committee approval is not required if color and color combinations are identical to the original color painted by holder. Color and/or color combination changes require Architectural Committee approval.

1. All exterior colors must be reviewed for approval by the Architectural Committee, including repainting of Existing Improvements. The Architectural Committee will assess the overall color composition formed by the individual materials.

2. All roof vent caps, louvers, plumbing stacks, chimney, flashing, valley flashing, etc., are to be painted a color not in contrast with the color of the roofing.
3. Whenever exterior painting is to be done, all changes must be approved by the Architectural Committee prior to commencement of such painting. Changes include any paint, color number and scheme, which is on file with the builder or the Architectural Committee.
4. It is recommended that all Homes be painted on a regular schedule to avoid chipping and peeling.
5. Garage doors are to be the same color as the siding or trim of the Home or white, unless otherwise requested and approved by the Architectural Committee. Outlining the garage door panels in a contrasting color or in a checkerboard design is not permitted.
6. Most Homes have multiple tone paint schemes (e.g., siding color, main color and accent color for shutters and doors). New colors submitted should, but are not required to preserve this multiple tone scheme. For example, if the trim was a different color than the doors and shutters originally it should also be different the submitted colors.
7. Color selections should be submitted to the Architectural Committee in the form of four sets of manufacturer's paint chips. Please indicate which color chips are for trim, siding and accent (doors and shutters) color. **PLEASE PLAN TO SUBMIT REQUESTS IN ADVANCE OF THE THIRTY (30) DAY REVIEW TIME FRAME ALLOWED BY THE DECLARATION AND THESE ARCHITECTURAL GUIDELINES.**
8. All selections are reviewed by the Architectural Committee and, in some cases; by a professional consultant.
9. In general, after approval, only those areas that are painted may be repainted, only those areas stained may be re-stained, unpainted surfaces and unstained areas (such as brick) shall remain unpainted and unstained.

**CONSTRUCTION ACTIVITIES** - As a part of Architectural Committee approval, Owner shall agree to ensure that construction activity shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., local time. See Declarations, Section 5.4. Exceptions for emergencies shall be considered by the Architectural Committee. Owner shall also ensure that dust, noise and odors caused or emitted by the construction activities shall be controlled, using normal commercially reasonable methods. As a part of the Architectural Committee approval, Owner shall agree to ensure that all construction related trash and debris is cleaned up at the end of each day. No burning of trash or debris is allowed. Any damage to erosion control devices and systems (silt fence, drainage ways, etc.) caused by or resulting from Owner's construction activities shall be repaired promptly by Owner at Owner's expense. All Architectural Committee approval letters shall contain a notation concerning the foregoing requirements.

**CORNER VISIBILITY** – Compliance applicable with City of Fountain's intersection sight distance criteria is required.

**DRAINAGE** – See Section 5.9 of the Declaration.

**HOLIDAY DECORATIONS** – All seasonal decorations must be removed within fifteen (15) days following that particular holiday or celebration. Consideration of neighbors should be exercised when decorating and lighting for any occasion. The Architectural Committee may, in its sole discretion, require the immediate removal or modification of holiday decorations that it determines excessively or unnecessarily impede or affect any adjacent Owner's property. See also **LIGHTS AND LIGHTING**, (Article II, Sec V, above).

GARDENS - Vegetable gardens are allowed so long as they are in the rear area of the Lot in such a manner that the garden and any accessory areas are not visible from public areas or adjacent homes. Gardens shall not be placed in drainage flow easements or within 5 feet of a house foundation.

MAIL BOXES – Only certified U.S. postal mailboxes are authorized.

SETBACKS – City of Fountain, requirements must be met.

SLOPES - Slopes shall be limited to 3:1. Retaining walls, if necessary shall be used to maintain Lot slopes at no more than 3:1.

TRASH CONTAINERS – All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. No garbage or trash cans or receptacles shall be maintained in an exposed or unsightly manner. Trash containers shall be removed from the curbs the same day.

#### **ARTICLE V - ARCHITECTURAL COMMITTEE APPROVAL**

- A. GENERAL – In a few cases, as indicated in ARTICLE II, item KK, a specific type of Proposed Improvement is not specifically addressed in the Declaration or these Architectural Guidelines. In all cases, including any Proposed Improvements covered by ARTICLE II, item KK, advance or prior written approval by the Architectural Committee is required before a Proposed Improvement is commenced. This section of the Architectural Guidelines explains how such approval is to be obtained. These Architectural Guidelines are adopted pursuant to Section 6.2 of the Declaration to further define and clarify those Proposed Improvements and Improvements and to further define the approval process.
- B. DRAWINGS OR PLANS – Article 6 of the Declaration requires an Owner to submit to the Architectural Committee, prior to commencement of work on any Proposed Improvement, an application (the "Application") with descriptions, plot plans, construction plans, specifications and samples of materials and colors, etc., as the Architectural Committee shall reasonably request, showing the nature, kind height, width, color, materials and location of the Proposed Improvement. Refer to the Declaration for further details of the Application plans and submission. To the extent possible, items requested for approval shall be identified in the Application by the item letter as identified in Article II, above. If the item is not specifically requested in the Application, it is NOT approved. Additionally:
1. The drawing or plan should be done to scale, and should depict the property lines of the Parcel and the outside boundary lines of the Home as located on the Parcel;
  2. Existing improvements, including the home, driveways, walks, decks, trees, bushes, etc., should be shown on the drawing or plan, and identified or labeled;
  3. The Proposed Improvements should be shown, on the plan and labeled. There should be a brief written description of the Proposed Improvement, including the materials and colors to be used; and
  4. The plan or drawing and other materials should show the name of the Owner, the address of the Home, and a telephone number where the Owner can be reached.
- C. FEES – The following fees shall be charged for each application. For items B, E, G, H, J, K, L, M, P, R, S, X, Y, Z, AA, DD and LL in Article II, above the application fee shall be \$50. For items U and V in Article II, the fee shall be \$25, except that there shall be no fee charged for the first landscaping application (including

irrigation systems and any other item reasonably associated with such initial landscaping application) after sale of the home by the home builder to the initial home Owner. For all other applications, the fee shall be \$10. For an Application containing more than one item, the fee shall be the highest fee charged for any one item. In the event there are three (3) or more items in the application, the Architectural Committee reserves the right charge additional fees. The fees are due at submission of the application. No application will be considered unless accompanied by the appropriate fee. If the item is not requested in the Application, it is specifically not approved. If an item is not approved and an application for that item is resubmitted, the proper fee for each item shall accompany the resubmitted application. The Architectural Committee shall have the discretion to modify application fees on a case by case basis to prevent either i) excessive charges for application(s) for an item or ii) abusive use of the application process by an Owner.

- D. ACTION BY THE ARCHITECTURAL COMMITTEE – See section 6.4 of the Declaration. The Architectural Committee will meet as required to review plans properly submitted for approval. The Architectural Committee may require submission of additional information or materials, and the request will be deemed denied until all required information and materials have been submitted. The Architectural Committee will act upon all requests within thirty (30) days after receipt of an Application or thirty (30) days after receipt of all additional information and materials requested by the Architectural Committee, whichever is later, unless the time is extended by mutual agreement. All decisions of the Architectural Committee will be in writing.
- E. PERFORMANCE OF WORK – After approval by the Architectural Committee a proposed Improvement should be accomplished as promptly as possible, in accordance with the approved plans, drawings and descriptions. Generally, after Architectural Committee approval of an Application, the Owner has 1 year to commence construction. Thereafter, the Owner has no more than 1 year to complete construction, unless further limited by the approval. See Sections 3.4 and 6.4 of the Declaration.
- F. DECLARATION PREVAILS – The foregoing Architectural Guidelines and procedures are supplementary to all of the terms and provisions of the Declaration. In the event of a conflict in terms between these procedures and the Declaration, the Declaration shall prevail.
- G. These Architectural Guidelines do not apply to Homebuilders who are purchasing lots from the Declarant's and whom have had their plans approved by the Declarant.
- H. The Architectural Committee and any of its members shall not be liable in equity or damages to any Owner or other person submitting requests for approval or to any Owner or other person by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove in regard to any matter within the Architectural Committee's jurisdiction hereunder. In reviewing and approving any Proposed Improvement, the Architectural Committee shall not be responsible for the durability, effect on value or safety, whether structural or otherwise, of the Proposed Improvements submitted for review. The Architectural Committee shall not be responsible for the conformance with applicable building codes or other governmental laws or regulations, or any other matters. Any Architectural Committee approval shall not be deemed to be an approval of the Application's compliance with applicable building codes or other governmental laws or regulations, or any other matters. No Owner or any other person shall be a third party beneficiary of any obligation imposed upon, rights accorded to, action taken by, or approval granted by the Architectural Committee.

## **ARTICLE VI - MISCELLANEOUS**

### **AMENDMENT**

These Architectural Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, modified, reenacted, or otherwise changed by the Architectural Committee in its discretion, with the advice of the Board.

THESE ARCHITECTURAL GUIDELINES WERE INITIALLY ADOPTED BY THE BOARD, at its regular meeting held on the October 2, 2008 and are effective from and after that date. As provided in the Declaration and as provided in this document, these Architectural Guidelines are subject to amendment by the Board.

**REQUEST FOR HOME IMPROVEMENT APPROVAL**

In an effort to provide and protect each individual homeowner's rights and values, it is required that any homeowner considering improvements and/or change of their deed property, must submit a REQUEST FOR HOME IMPROVEMENT APPROVAL FORM to the Architectural Review Committee (ARC) for planned improvements and /or changes. If any change is made that has not been approved, the Committee has the right to require the homeowner to remove the improvement and/or change from the property. PLEASE COMPLETE THIS FORM IN DETAIL.

DATE: \_\_\_\_\_

PRINT NAME OF OWNER: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

- 
1. Briefly describe the improvement/change proposed: (include size and height):
  2. Who will do the actual work? (For your protection, we recommend that you use a license, bonded, insured contractors).
  3. Location of improvement (check applicable areas). YOU MUST ATTACH A LOT SCALE DRAWING TO SHOW LOCATION OF IMPROVEMENT IF APPLICABLE. (Include distances from walls and houses)  
\_\_\_\_ front of house \_\_\_\_ back of house \_\_\_\_ side of house \_\_\_\_ roof \_\_\_\_ patio \_\_\_\_ garage  
\_\_\_\_ other:

- 
1. Material necessary for proposed improvement/change (check and identify types and colors: MUST ATTACH ONE (1) PAINT/STAIN SAMPLE OF EACH COLOR MATERIAL TYPE/COLOR

\_\_\_\_ Paint \_\_\_\_\_

\_\_\_\_ Fence \_\_\_\_\_

\_\_\_\_ Landscape \_\_\_\_\_

\_\_\_\_ Shed \_\_\_\_\_

\_\_\_\_ Roof \_\_\_\_\_

\_\_\_\_ Patio Deck \_\_\_\_\_

\_\_\_\_ Driveway \_\_\_\_\_

\_\_\_\_ Other \_\_\_\_\_

**Owner's Affidavit:**

To my knowledge, nothing in the proposed improvement/alteration is in violation of the Declaration of Covenants, Conditions, and Restrictions of Countryside North HOA as applicable to the subject lot.

1. I represent and warrant that the proposed improvement/alteration will be completed in strict compliance with the Governing Documents.
2. I understand that approval by the ARC shall in no way be construed as a waiver of modification of the Governing Documents.
3. I represent and warrant that the proposed improvement/alteration will be in conformity and harmony of external design and location to the surrounding structures and topography, and that the quality of workmanship and materials involved will be in conformity with that of the existing structure.
4. I understand that it is my responsibility to conform to any city, county, state, federal, or other agency building codes and ordinances that may apply to this improvement/alteration and that approval by the ARC shall in no way be construed as a waiver as such.
5. I agree that no construction or other work on this improvement/alteration shall commence until I have received the written approval from the Association Architectural Review Committee. I understand that the Association ARC will act on this request as quickly as possible and contact me regarding their decision.

\_\_\_\_\_  
Construction Start Date

\_\_\_\_\_  
Completion Date

\_\_\_\_\_  
Signature of Homeowner

RETURN TO: Countryside North HOA  
P.O. Box 62281  
Colorado Springs CO 80962

(719) 314-4501 office / (719) 578-9140 fax  
[mduval@diversifiedprop.com](mailto:mduval@diversifiedprop.com)