

**MELODY HOMES AT FOX RUN HOMEOWNERS ASSOCIATION INC.
DESIGN GUIDELINES AND STANDARDS**

Revised August 4, 2006

I. INTRODUCTION

A. **DEFINITIONS** - The following words, when used in these Regulations, shall have the meaning hereinafter specified:

1. "Association" means this Fox Run Homeowners Association, Inc., a unit owners' association organized under section 38-33.3-301 of the Act.
2. "Board" means the Board of Directors of the Association.
3. "Committee" or "Design Review Committee" means the committee appointed by the Declarant or by the Association to review and approve or disapprove requests for architectural approval, as more fully provided in the Declaration.
4. "Common Elements" means any real estate owned or leased by the Association other than a Home.
5. "Community" means the real estate described on Exhibit A attached to the Declaration, as supplemented and amended from time to time, with respect to which a person, by virtue of such person's ownership of a Lot, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in this Declaration.
6. "Declarant" means Melody Homes, Inc., a Delaware corporation, and any other person or group of persons acting in concert, to whom the Declarant, by recorded document, expressly assigns one or more of the Declarant's rights under the Declaration (which shall be the extent of the Declarant's rights to which such assignee succeeds), and who:
 - a) As part of a common promotional plan, offers to dispose of to a purchaser such Declarant's interest in a Lot (as defined in the Declaration) not previously disposed of to a purchaser; or
 - b) Reserves or succeeds to any Special Declarant Right (as defined in the Declaration).
7. "Declaration" means the Fox Run Declaration of Covenants, Conditions and Restrictions and any other recorded instruments, however denominated, that create this Community, including any supplements and amendments to those instruments and also including, but not limited to, plats and maps.
8. "Design Guidelines" means these Design Criteria Guidelines and Standards, as such may be amended from time to time by the Committee with the advice of the Board.
9. "Existing Improvements" means all existing exterior improvements, structures, and any appurtenances thereto or components thereof, of every type or kind, and all existing landscaping features, including, but not limited to, buildings, outbuildings, swimming pools, tennis courts, patios, patio covers, awnings, solar collectors, painting or other

finish materials on any visible structure, additions, walkways, sprinkler systems, garages, driveways, fences, screening walls, retaining walls, basketball hoops, stairs, decks, hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, exterior light fixtures, poles, signs, exterior tanks, and exterior air conditioning, cooling, heating and water softening equipment.

10. “Home” means a residence that has been built, or is to be built, on property that is in the Community.
11. “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.
12. “Parcel” means any separate lot, plot of land, or parcel of land, which is contained in the Community, and on which a Home is located or is planned to be constructed or located (or on which more than one Home may be located in the case of property which contains or is planned to contain condominiums, cooperatives or apartments).
13. “Proposed Improvements” means any Improvement, which has not yet been constructed, installed or erected, and includes demolition or removal of any building or other structure, and also includes any change of the exterior appearance of a building or other Existing Improvement.

B. **DESIGN GUIDELINES FOR THE DESIGN REVIEW COMMITTEE** – The Declaration requires prior approval by the Committee or its designated representative before any Proposed Improvement is constructed, erected, placed, or altered. These Design Guidelines establish certain acceptable designs for different types of Proposed Improvements. These Design Guidelines apply to residential property in the Community, and are intended to assist the Owners. Prior to installation or commencement of construction, all Proposed Improvements (except those constructed by the Declarant) must be submitted to the Committee for review and approval.

C. **CONTENT OF DESIGN GUIDELINES** - In addition to the introductory material, these Design Guidelines contain:

1. a list of specific types of Proposed Improvements which Owners might wish to make, with specific information as to each of these types of Proposed Improvements;
2. a summary of procedures for obtaining approval from the Committee; and
3. figures showing approved designs for fences.

- D. **EFFECT OF THE DECLARATION** - Each Owner shall receive and should become familiar with the Declaration. Nothing in these Design Guidelines shall supersede or alter the provisions or requirements of the Declaration.
- E. **EFFECT OF GOVERNMENTAL AND OTHER REGULATIONS** - Use of any property in the Community and any Existing Improvements must comply with applicable building codes and other governmental requirements and regulations. **Permits must be obtained on all improvements that require permits through the Town of Frederick. Homeowners will be required to provide a copy of the permit if requested by HOA after committee approval.** Approval by the Committee will not constitute assurance that Existing Improvements or Proposed 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 the Town of Frederick's requirements, Owners should write or call the Town of Frederick's Building Department.
- F. **INTERFERENCE WITH UTILITIES** - In making Proposed 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 Proposed Improvements over such easements without the consent of the utility involved, and Owners will be responsible for any damage 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.
- G. **GOAL OF DESIGN GUIDELINES** - Compliance with these Design Guidelines and the provisions of the Declaration will help preserve the inherent architectural and aesthetic quality of the Community. It is important that the Proposed Improvements be made in harmony with, and not detrimental to, the rest of the Community. A spirit of cooperation with the Committee and neighbors will go far in creating an optimum environment, which will benefit the Owners. By following these Design Guidelines and obtaining approvals for Proposed Improvements from the Committee, Owners will be protecting their financial investment and will help to promote Proposed Improvements that are compatible with the other Homes and property within the Community.
- H. **INTERPRETATION OF THE DESIGN GUIDELINES** - The Committee shall interpret these Design Guidelines.
- I. **ENFORCEMENT OF DECLARATION AND DESIGN GUIDELINES** – The Committee shall have primary responsibility for the enforcement of the architectural requirements of the Declaration and these Design Guidelines. The Committee will investigate written complaints of Owners for violations of the architectural requirements of the Declaration or these Design Guidelines if such complaints are dated and signed by the Owner. The Committee, the Board, and employees of the Association shall use all reasonable means to maintain the anonymity of complaining Owners. The Committee shall be allowed access to the property of the Owner filing the complaint for purposes of verification of the complaint. If a violation is found, the Committee shall notify the Owner whose property is in violation, in writing, requesting that appropriate action be taken to achieve compliance. If such Owner does not bring his property into compliance with the Declaration and Design Guidelines within thirty (30) days, or the time

specified by the notice, the Committee will request that the violation be referred to the Board for enforcement action, which may include the Board fining the Owner for such non-compliance.

- J. **ADVISING OF NEIGHBORS** - It is suggested that Owners advise neighbors prior to submitting forms for Proposed Improvements. The Committee may request adjacent neighbor input.

II. SPECIFIC TYPES OF IMPROVEMENTS - DESIGN GUIDELINES

A. GENERAL

1. The following alphabetical list covers a wide variety of specific types of Proposed Improvements which Owners and builders typically consider installing. Pertinent information is given as to each. Unless otherwise specifically stated, drawings or plans for a Proposed Improvement shall be submitted to the Committee, and the written approval of the Committee shall be obtained before the Proposed Improvement is made. Drawings or plans shall include dimensions, setbacks, roof slopes, types of materials and both elevation and plan views of all proposed expansions or additions. Applications for paint change 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, plans and other color samples will be retained in Committee files for future reference. The Committee may obtain input from the Board on any request for approvals. In some cases, where specifically stated, a type of Proposed Improvement is prohibited. Proposed Improvements, which are not listed, will require Committee approval.
2. The architectural style of a proposed Home shall be consistent with the style and character of the other residences built in the same general area of the Community. Such consistency shall be determined by the Committee in its sole discretion.

- B. **ADDITIONS AND EXPANSIONS** - Committee approval is required. Owners must use the "Architectural Control Improvement Request Form" when submitting a request for an addition or expansion. 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. All work is subject to obtaining required permits from the Town of Frederick.

- C. **ADDRESS NUMBERS** - Committee approval is required to relocate the address numbers to a position different from that originally installed by the builder.

- D. **ADVERTISING** - See Signs.

- E. **AIR CONDITIONING EQUIPMENT** - Committee approval is required. Air conditioning equipment, including swamp coolers, must be ground-mounted and installed in the rear or side yard; it should not be visible from the street right-of-way. It should be installed in such a way that any noise to adjacent Homes is minimized. Installation of air conditioning equipment,

including swamp coolers, on the roof of the Home or in a window of the Home will not be permitted.

- F. **ANIMALS** - Except as provided in Article X, Section 4 of the Declaration and this paragraph, no animals, livestock, birds, poultry, reptiles, or insects of any kind shall be raised, bred or kept boarded on any property in the Community or in any Home. Not more than three (3) dogs, cats or other household pets in the aggregate constitutes a “reasonable number” which may be kept in any Home, but only if such household pets are not raised, bred, kept or maintained for any commercial purpose. No horses shall be kept in the Community. Dogs, cats or other household pets owned by Owners or their guests shall not be permitted to run at large, but shall be kept under the control of such Owner by leash, cord or chain. The Owner of any dog, cat or other household pet shall immediately remove excrement deposited by said animal upon any property in the Community.
- G. **ANTENNAS** - Pursuant to Article X, Section 6(d) of the Declaration, no exterior radio antennas, television antennas or other antennas may be erected unless approved in writing by the Committee. However, the 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 Committee for approval of installation of such instruments must meet the following minimum requirements:
1. The Owner shall install the satellite dish in as inconspicuous location possible while still allowing for proper service and reception.
 2. The satellite dish shall not be more than a nominal meter in diameter.
- H. **ASTRO-TURF** - Neither Astro-turf nor any other floor covering shall be used on the front porch or any balcony.
- I. **AWNINGS** - See Overhangs.
- J. **BALCONIES** - See Decks.
- K. **BASKETBALL BACKBOARDS** - Committee approval is required. If garage or pole mounted, the backboard and support structure should be clear painted the same color as the house, unless otherwise approved by the Committee. Garage mounted backboards in the front yard may not project more than two feet (2’) from the front of the garage. Pole-mounted basketball backboards must have a black or galvanized removable steel pole and must be installed midway between the front of the house and the sidewalk. Rims and nets on all types of basketball units must be maintained in a neat and clean appearance. Backyard concrete pads for basketball courts may not exceed seventeen feet (17’) in any direction. Temporary basketball backboards also are acceptable but must be placed in such a manner that they do not block sidewalks and pedestrian walkways and are not placed in streets. Temporary basketball backboards must be stored within the Home or behind the fence and must not be observable from the street when not in use.
- L. **BOATS** - See Motor Home Vehicles.

- M. **BUG ZAPPERS** - Approved subject to compliance with Article X, Section 10 of the Declaration.
- N. **BUILDING HEIGHT** - Requires Committee review and approval and must comply with applicable building codes and zoning regulations established by the Town of Frederick.
- O. **CABLE TV ANTENNAS** - See Antennas.
- P. **CAMPERS** - See Motor Home Vehicles.
- Q. **CARPORT** - Not permitted.
- R. **CIRCULAR DRIVES** - See Driveways.
- S. **CLOTHESLINES AND HANGERS** - Not permitted.
- T. **CLOTH OR CANVAS OVERHANGS** - See Overhangs.
- U. **COLOR** - See Painting.
- V. **CORNER VISIBILITY** - Compliance with the Town of Frederick's intersection sight distance criteria required.
- W. **DECKS** - Committee approval is required. Decks must be constructed of 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 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.
- X. **DOG RUNS** - Committee approval is required. Dog runs must be constructed with fencing approved by the Committee. Dog runs must be located in the rear or side yard, abutting the Home and substantially screened from view. Dog runs are limited in size to 575 square feet, cannot be higher than the Parcel boundary fence. Wood screening or mature landscape screening is required to hide a substantial 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. If required by the Committee, written consent from adjacent neighbors may be requested. 2" x 4" wire mesh as in Figure 2 will be allowed on the interior fence portions only. Lot boundary fences that are to be used for part of a dog run must be five foot or six-foot (5' or 6') cedar to match existing fence installed by builder (i.e., 1 X 4 dog eared cedar).
- Y. **DOORS** - Committee approval is required for the addition or replacement of storm or other type doors to a Home. The material should match existing colors of the Home unless otherwise approved by the Committee. Security doors or security window bars require Committee approval. The approved existing colors will be white, black and the colors of the approved Home colors.

- Z. **DRAINAGE** - See Article VIII, Section 2 of the Declaration.
- AA. **DRIVEWAYS** - All driveways leading from the street to an Owner's Home or Parcel are to be constructed of permanent, properly formed, hard-surfaced paving (i.e., concrete with a four inch (4") minimum thickness). Modifications to the original driveway require Committee approval.
- BB. **EVAPORATIVE COOLERS** - See Air Conditioning Equipment.
- CC. **EXTERIOR LIGHTING** - See Lights and Lighting.
- DD. **EXTERIOR MATERIALS** - The only acceptable exterior building materials are high-quality hardboard siding, brick, stone, or other harmonious materials utilized for accent or Home details as approved by the Committee.
- EE. **FENCES**
1. General - Fences and/or walls/brick columns/entrance monuments (individually and collectively "Fences") 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, without approval of the Committee. If any such Fences constructed by developer and/or builder which are located upon an Owner's Parcel are damaged or destroyed by Owner or Owner's agents, guests, or tenants, the Owner shall repair and recondition the same at the Owner's expense.
 2. Drainage - It is important to remember that certain drainage patterns may exist along or under proposed Fence locations. When constructing a Fence, be sure to provide for a space between the bottom of the Fence and the ground elevation so as not to block these drainage patterns.
 3. Design - Fences may not be constructed without Committee approval. The recommended construction shall be in accordance with the specifications shown on Figure 1 attached to these Design Guidelines and compatible with neighbors' existing Fences. Parcel boundary Fences can be either five or six feet high. Such Parcel boundary Fences may be solid wood, with either a five foot (5') or six foot (6') high cedar material or 3- rail fence design as shown in Figure 2 where appropriate. Transitions between a five-foot (5') Fence and Fences of different heights must be built as shown in Figure 1. As to Parcels with a slope rising away from the Home, the Committee will consider approval of the five foot (5') Fence at the toe of the slope rather than on the Parcel line at the top of the slope. In this case, a landscaping and maintenance plan for the slope area may be required by the Committee. All of the above-mentioned Fences must be constructed of rough-sawn cedar material. All Fences must adhere to any sight triangle regulations of the Town of Frederick.

- a) Fences or Screening Located Within Parcel Line - Must be an integral part of the landscape design.
 - b) Double Fences - Not permitted, except see Dog Run. Double Fences are not the same as double lacing. Check with the Committee.
 - c) Solid Fences - Must be constructed with the 2x4 framing and 4x4 posts on the constructing Owner's Parcel (i.e., the smooth side of the wood slats on the front elevation of the Fence in Figure 1 must face away from the Owner's Home). Alternating panels (smooth side in, then smooth side out) of no more than eight feet (8') in width are allowed only between adjacent Parcels. Side yard Fences (i.e., a return fence) may not extend past the front corner of the Home.
 - d) Cluster Mail Boxes - Fences bordering cluster mail boxes must allow 3 1/2' to 4' clearance behind the cluster box to allow for mail delivery.
4. No plastic or metal chicken wire, hog wire, barbed wire, or strand wire will be allowed, except as indicated on Figure 2. All property line Fence height differentials must be treated with a transition Fence similar in design to that shown on Figure 1.
 5. 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 Town of Frederick's requirements.
 6. Maintenance Responsibility - Deteriorated materials must be replaced by the Owner with materials identical to the original in quality, quantity and design.
 7. Fence Stain – Fences may be sealed and protected by the following approved stains:
 - Behr # 92
 - Behr #80
 - Behr # 81
 - Behr # 82

Approval of paint and white wash treatments is not permitted. Additional fence stain colors may be subject to approval but **must** be submitted to the Design Review Committee. Failure to follow these guidelines regarding fence stain may result in the removal of an napproved stain or replacement of fencing at the homeowner's expense.

Please be aware that homeowners **must** still submit to the Design Review Committee for any and all improvements before commencement of work.

FF. **FLAGPOLES** - Committee approval is required. Height is limited to 22' with a 5' easement from property lines. The flag must be illuminated if flown after dark. The light must be directed at the flag, and away from neighboring lots. The American Flag, the State of Colorado Flag, any military service flag and a POW flag are allowed.

GG. **Garages** – Detached garages are not allowed in the Melody at Fox Run Community.

- HH. **GARBAGE CONTAINERS AND STORAGE AREAS** - See Trash Containers.
- HH. **GRADING AND GRADE CHANGES** - See Drainage.
- II. **GREENHOUSE WINDOWS** - Committee approval is required.
- JJ. **HANGING OF CLOTHES** - See Clotheslines and Hangers.
- KK. **HOT TUBS** - Committee approval is required. Must be an integral part of the deck or patio area and of the rear yard landscaping. Must be in the rear yard.
- LL. **HOLIDAY DECORATIONS** -All seasonal decorations must be removed within thirty (30) days following that particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion.
- MM. **HOME NUMBERS** - See Address Numbers.
- NN. **IRRIGATION SYSTEMS** -Underground manual or automatic irrigation systems will not require approval of the Committee. Such systems should not be installed within the first five feet of the foundation. Backflow devices shall be tested in accordance with City Regulations.
- OO. **JACUZZI** - See Hot Tubs.
- PP. **JUNK VEHICLES** - See Motor Home Vehicles.
- QQ. **LANDSCAPE AND MAINTENANCE** - Committee approval required. All landscaping front and rear for Units on which a Residence has been closed between January 1 and August 30 of any year shall be completed in the same year: if the Residence is closed after August 30, such landscaping shall be completed by May 31 of the following year. Landscaping includes sod.
1. In addition, landscaping shall follow all requirements of the Town of Frederick.
 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 no longer than a period of thirty (30) days. Leaving gravel, rock and/or soil piles in the street is not suggested. Contact the Town of Frederick 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 landscape damage). If this regulation is violated and damage to the Common Elements results, the Owner will be held financially responsible for repairing the damage caused by the Owner or the Owner's agent, guests or tenants.
- RR. **LIGHTS AND LIGHTING** - 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 towards the Home and must be of low wattage to minimize glare sources to neighbors and other Owners. Any variance from these Design Guidelines or use of high wattage spotlights or floodlights requires Committee approval. See Article X, Section 10) of the Declaration for more information.

SS. **LIVESTOCK** - See Animals.

TT. **MICROWAVE DISHES** - See Antennas.

UU. **MINING AND DRILLING** - Not permitted.

VV. **MOTOR HOME VEHICLES** - Not permitted to be located or parked permanently within the Community, as set forth in Article X, Section 7 of the Declaration. These vehicles must be moved from the general area within 48 hours unless approved in writing by the Committee. This 48-hour period is allowed for loading or unloading before and after trips. Such vehicles may be stored only within garages. The Association does not permit enclosed structures other than garages for this type of storage.

WW. **MOTORIZED VEHICLES** - Motorized vehicles are not to be driven on greenbelts or Common Elements. This includes snowmobiles, golf carts, motorcycles, minibikes, go-carts, mopeds and delivery trucks, but excludes lawn cutting, snow removal or maintenance equipment. Such vehicles shall not be parked so as to be visible from any of the Homes or the street.

XX. **OVERHANGS - CLOTH OR CANVAS** - Committee approval is required. The color must be the same as the exterior of the Home, unless otherwise approved by the Committee. Metal or fiberglass awnings are not permitted.

YY. **PAINTING** - Committee approval is not required if color and color combinations are identical to the original color painted by builder. Color and/or color combination changes require Committee approval.

1. All exterior colors must be reviewed for approval by the Committee, including repainting of Existing Improvements. The 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 Committee prior to commencement of such painting. Changes include any paint or color scheme other than the original brand paint, color number and scheme which is on file with the builder or the Committee.

4. It is recommended that all Homes be painted on a regular schedule to avoid chipping and peeling.
 5. Paint schemes must be different from neighboring Homes. Submittals without a description of neighbors' paint colors will not be approved by the Committee. Failure by the Committee to so inform the Owner requesting such approval shall not be deemed an approval under Article V, Section 3 of the Declaration.
 6. Garage doors are to be the same color as the siding or trim of the Home, unless otherwise requested and approved by the Committee. Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.
 7. Most Homes have multiple tone paint schemes (e.g., siding color, trim 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 in the submitted colors.
 8. Color selections should be submitted to the 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 FORTY FIVE (45) DAY REVIEW TIME FRAME ALLOWED FOR UNDER THE DECLARATION AND THESE DESIGN GUIDELINES.
 9. All selections are reviewed by the Committee and, in some cases, by a professional consultant.
 10. In general, after approval, only those areas that are painted may be repainted; only those areas stained may be restained; unpainted surfaces and unstained areas (such as brick) shall remain unpainted and unstained.
- ZZ. **PATIO COVERS** - Committee approval is required. Plans must show the exterior elevation, designate materials and colors, and include dimensions.
- AAA. **PATIOS - ENCLOSED** - See Additions and Expansions.
- BBB. **PATIOS - OPEN** - Committee approval is required.
- CCC. **PAVING** - Committee approval is required for front yard changes, regardless of whether for walks, driveways, patio areas or other purposes.
- DDD. **PETS** - See Animals.
- EEE. **PIPES** - See Utility Equipment.

- FFF. **PLAY AND SPORTS EQUIPMENT** - Committee approval is required. Equipment shall be located in the rear or side yard. Size of play yards will be considered on a case-by-case basis depending on Parcel size and proximity to neighbors. The maximum height of the equipment should not exceed ten feet (10). In some cases written consent from adjacent neighbors may be requested.
- GGG. **POLES** - See Flagpoles, Utility Equipment, Basketball Backboard, etc. HHH. **RADIO ANTENNAS** - See Antennas.
- III. **ROOFS** - Committee approval is required. Submit colors and type of materials to be used. Uniformity with existing Units in the Community is required.
- JJJ. **ROOFTOP EQUIPMENT** - Not permitted.
- KKK. **SAUNAS** - See Additions and Expansions.
- LLL. **SETBACKS** — The Town of Frederick’s requirements must be met, subject to Article XII, Section 6 of the Declaration.
- MMM. **SEWAGE DISPOSAL SYSTEMS** - Not permitted.
- NNN. **SHEDS** - Committee approval is required. Materials shall be the same materials as on the exterior of the Home. Sheds shall be allowed only in rear 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 Committee. Sheds shall not be more than eight feet six inches (8’6”) high at the peak, nor larger than 120 square feet. Siding, roofing, and trim materials must match those on the Home. The Committee, in reviewing the application for shed approval, shall consider Parcel grading, Fence locations, landscape screenings, etc., in granting any approvals for a shed.
- OOO. **SHUTTERS - EXTERIOR** - 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 Committee.
- PPP. **SIDING** - Committee approval is required. Siding must be essentially the same as the siding installed by the builder on other Homes in the Community, and must be painted according to standards established in these Design Guidelines. See Painting. Aluminum or steel siding will not be permitted.
- QQQ. **SIGNS** - Subject to the Town of Frederick’s Sign Code, Article X, Section 6(a) of the Declaration controls 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 builder to advertise dwellings for sale or rent during the construction and sale period. Non-advertising security system signs will be allowed. Builder marketing signs are permitted.
- RRR. **SKYLIGHTS** - Committee approval is required.

- SSS. **SPAS** - See Hot Tubs.
- TTT. **SPRINKLER SYSTEMS** - See Irrigation Systems.
- UUU. **STORAGE SHEDS** - See Sheds.
- VVV. **STORM DOORS** - See Doors.
- WWW. **SUNSHADES** - See Overhangs.
- XXX. **SWAMP COOLERS** - See Air Conditioning Equipment.
- YYY. **SWINGSETS** - See Play and Sports Equipment.
- ZZZ. **TELEVISION ANTENNAS** - See Antennas.
- AAAA. **TEMPORARY STRUCTURES** - See Article X, Section 5 of the Declaration.
- BBBB. **TEMPORARY VEHICLES** - See Motor Home Vehicles.
- CCCC. **TRAILERS** - See Motor Home Vehicles.
- DDDD. **TRASH CONTAINERS** - See Article X, Section 11 of the Declaration.
- EEEE. **TREE HOUSES** - Not Permitted.
- FFFF. **UNDERDRAINS** - Modification or impeding the flow of drainage is prohibited.
- GGGG. **UTILITY EQUIPMENT** - Installation of utilities or utility equipment requires 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.
- HHHH. **VANES** - Committee approval is required.
- JJJJ. **VEHICLES** - See Motor Home Vehicles.
- JJJJ. **VENTS** - See Rooftop Equipment.
- KKKK. **WALLS - RETAINING** - A single retaining wall shall not be more than thirty-six inches (36”) in height (measured at the exposed side) without an engineering plan. Where required by the Committee, a detailed landscape plan, indicating the size and exposure of the retaining wall, shall be provided by the Owner at the time of plan review for approval. Owners are liable for their respective lot drainage and shall not impair adjacent lot drainage patterns. Retaining walls shall be constructed of brick, treated wood, natural stone, or similar materials, subject to approval by the Committee. Exposed concrete retaining walls are specifically forbidden.

LLLL. **WELLS** - Not Permitted.

MMMM. **WIND TURBINES** - Not permitted.

NNNN. **WINDOWS** - Committee approval is required for all windows not of the same make or design as originally installed by the builder. Submission of plans and specifications to the Committee shall include a description of the window frame material and color. Mill finish on aluminum windows is specifically prohibited. Replacement windows shall be substantially the same as those initially installed.

OOOO. **WOOD STORAGE** - See Article X, Section 6(b) of the Declaration.

III. PROCEDURES FOR COMMITTEE APPROVAL

- A. **GENERAL** - In a few cases, as indicated in the listing in the preceding Section II, a specific type of Proposed Improvement is not permitted under any circumstances. In all other cases, including Proposed Improvements not included in the listing in Section II, advance or prior written approval by the Committee is required before a Proposed Improvement is commenced. This section of the Design Guidelines explains how such approval can be obtained.
- B. **DRAWINGS OR PLANS** - Article V of the Declaration requires an Owner to submit to the Committee, prior to commencement of work on any Proposed Improvement, descriptions, plot plans, construction plans, specifications and samples of materials and colors, etc., as the Committee shall reasonably request, showing the nature, kind, height, width, color, materials and location of the Proposed Improvement. In the case of major Proposed Improvements, such as room additions, decks, or structural changes, detailed plans should be professionally prepared by an architect, engineer, and/or draftsman. However, simple drawings and descriptions may be sufficient for other Proposed Improvements. Whether done by the Owner or professionally, the following provisions should be followed in preparing drawings or plans:
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. Drawings made from a Parcel survey base are preferred.
 2. Existing Improvements, in addition to the Home, should be shown on the drawing or plan, and identified or labeled. Such Existing Improvements include driveways, walks, decks, trees, bushes, etc.
 3. The Proposed Improvements should be shown on the plan and labeled. Either on the plan, or an attachment, there should be a brief description of the Proposed Improvement, including the materials to be used and the colors.
 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. **SUBMISSION OF DRAWINGS AND PLANS** - Two (2) copies of the “Architectural Control Improvement Request Form” and two (2) copies of the drawing or plan shall be submitted to the Committee. Plans should be submitted to the Committee in care of the Association’s property management company.
- D. **REVIEW FEE** - No fee is charged at the time for review of plans by the Committee. All costs for submittals shall be borne by the Owner and shall be payable prior to final approval. Any reasonable engineering consultant fees or other fees incurred by the Association in reviewing any Proposed Improvement will be assessed to the Owner requesting approval of the Proposed Improvement.
- E. **ACTION BY THE COMMITTEE** - The Committee will meet as required to review plans submitted for approval. The Committee may require submission of additional information or material, and the request will be deemed denied until all required information and materials have been submitted. The Committee will act upon all requests within forty five (45) days after receipt of Architectural Control Improvement Request Form or forty five (45) days after receipt of all additional information and materials requested by the Committee, whichever is later, unless the time is extended by mutual agreement. All decisions of the Committee will be in writing.
- F. **PERFORMANCE OF WORK** - After approval by the Committee, a Proposed Improvement should be accomplished as promptly as possible, in accordance with the approved plans, drawings and descriptions. The work must be completed, in any event, within twelve (12) months after approval by the Committee (except front and rear landscaping). Please refer to the Landscaping section in these Design Guidelines.
- G. **COMPLAINTS** - All complaints should be submitted to the Committee, in ~ writing, and must be dated and signed by an Owner. The Board and the Committee will take all reasonable action to preserve the anonymity of complaining Owners.
- H. **DECLARATION PREVAILS** - The foregoing Design Guidelines and procedures are supplementary to all of the terms and provisions of the Declaration, and shall remain in full force and effect. In the event of any actual or apparent conflict between these procedures and the Declaration, the Declaration shall prevail.

IV. AMENDMENT

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

THESE DESIGN GUIDELINES WERE INITIALLY ADOPTED BY THE BOARD, at the organizational meeting of the Board, which was held on the 15th day of September 1999. As provided in the Declaration and as provided in ~his document, these Design Guidelines are subject to amendment by the Committee with the advice of the Board.

FOX RUN HOMEOWNERS ASSOCIATION, INC., a Colorado non-profit corporation.

ARCHITECTURAL CONTROL COMMITTEE

AMENDMENT

Melody Homes At Fox Run Homeowners Association Inc

c/o Management Specialists, Inc.
4204 North Garfield
Loveland, CO 80538-2220
888.420.4433

February 4,2002

Dear Homeowner:

After consulting with the Board of Directors, the Design Review Committee of Melody at Fox Run Homeowner's Association, Inc. has made the following amendment to the Design Guidelines of Melody at Fox Run:

Please refer to SECTION NN. **IRRIGATION SYSTEMS** -

- Underground manual or automatic irrigation systems will not require approval of the Committee. Such systems shall not be installed within the first five (5) feet of the foundation. Backflow devices shall be tested in accordance with City regulations.

Effective immediately the Design Guidelines and Standards of Melody at Fox Run have been officially amended concerning the above referenced issues.

RESOLVED, These amendments have been duly adopted this 22nd day of January 2002.

Ed Vick
Board of Directors

cc: Melody at Fox Run Board of Directors
Management Specialists, Inc.

AMENDMENT

Melody Homes At Fox Run Homeowners Association Inc

c/o Management Specialists, Inc.
4204 North Garfield
Loveland, CO 80538-2220
888.420.4433

February 4, 2002

Dear Homeowner:

After consulting with the Board of Directors, the Design Review Committee of Melody at Fox Run

Homeowner's Association, Inc. has made the following amendment to the Design Guidelines of Melody at Fox Run:

Please refer to SECTION E. **EFFECT OF GOVERNMENTAL AND OTHER REGULATIONS** -

- Use of any property in the Community and any Existing Improvements must comply with applicable building codes and other governmental requirements and regulations. Permits must be obtained on all improvements that require permits through the Town of Frederick. Homeowners will be required to provide a copy of the permit if requested by HOA after committee approval. Approval by the Committee will not constitute assurance that Existing Improvements or Proposed 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 the Town of Frederick's requirements, Owners should write or call the Town of Frederick's Building Department.

Effective immediately the Design Guidelines and Standards of Melody at Fox Run have been officially amended concerning the above referenced issues.

RESOLVED, These amendments have been duly adopted this 22nd day of January 2002.

Ed Vick
Board of Directors

cc: Melody at Fox Run Board of Directors
Management Specialists, Inc.

AMENDMENT

Melody Homes At Fox Run Homeowners Association Inc

c/o Management Specialists, Inc.
4204 North Garfield
Loveland, CO 80538-2220
888.420.4433

February 4,2002

Dear Homeowner:

After consulting with the Board of Directors and considering homeowner variance requests, the Design Review Committee of Melody at Fox Run Homeowner's Association, Inc. has made the following amendment/addition to the Design Guidelines of Melody at Fox Run:

Please refer to SECTION EE. **FENCES** -

7. Fence Stain — Fences may be sealed and protected by the following approved stains:

Behr #92
Behr #80
Behr #81
Behr # 82

Application of paint and white wash treatments is not permitted. Additional fence stain colors may be subject to approval but **must** be submitted to the Design Review Committee. Failure to follow these guidelines regarding fence stain may result in the removal of an unapproved stain or replacement of fencing at the homeowner's expense.

Please be aware that homeowners must still submit to the Design Review Committee for any and all improvements before commencement of work.

Effective immediately the Design Guidelines and Standards of Melody at Fox Run have been officially amended concerning the above referenced issues.

RESOLVED, These amendments have been duly adopted this 22nd day of January 2002.

Ed Vick
Board of Directors

cc: Melody at Fox Rim Board of Directors
Management Specialists, Inc.