



**RESIDENTIAL IMPROVEMENT GUIDELINES FOR
FOR
LEMAY AVENUE ESTATES**



RESIDENTIAL IMPROVEMENT GUIDELINES FOR LEMAY AVENUE ESTATES

I. INTRODUCTION.

1.1 Basis for Guidelines. These Residential Improvement Guidelines and Residential Site Restrictions are intended to assist homeowners in Lemay Avenue Estates in the design of their homes and landscaping and other improvements to their property, as provided for in the Declaration of Covenants, and to list the rules and regulations adopted by the Homeowners Association with respect to the use of Residential Sites. **THE DECLARATION OF COVENANTS FOR LEMAY AVENUE ESTATES REQUIRES PRIOR APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE BEFORE ANY IMPROVEMENT TO PROPERTY IN LEMAY AVENUE ESTATES.** “Improvement to property” is very broadly defined in the Covenants. For instance, an “improvement to property” would include any landscaping or change of the grade of property; the construction or installation of any accessory building, patio, deck, pool or hot tub; the demolition or removal of any building or other improvement; and any change of exterior appearance of a building or other improvement. In order to assist homeowners, the Covenants authorize the Architectural Review Committee (hereinafter “ARC”) to establish guidelines and to establish certain pre-approved designs for several types of improvements to property and to exempt certain improvements to property from the requirement for approval. This booklet contains the guidelines established by the Architectural Review Committee with respect to residential property. Throughout this document the term “property” shall refer to a residential site. Including all improvements on the site.

1.2 Contents of Guidelines. In addition to the introductory material, these Guidelines contain: (a) a listing of specific types of improvements which homeowners might wish to make with specific information as to each of these types of improvements; (b) rules and regulations applicable to residential sites; (c) a summary of procedures for obtaining approval from the ARC; (d) some attachments for such things as fences and trash enclosures; (e) a definition section to define specific words or words in quotations.

1.3 Architectural Review Committee. The Architectural Review Committee (ARC) consists of not more than three (3) persons who are appointed by the Developer. Upon the sale of all lots owned by Developer, or at an earlier time determined by the Developer., the ARC shall be appointed on an annual basis by the Board of Directors of the Homeowners Association from among the lot owners.

1.4 Committee Address and Phone. The address of the ARC will be the same as the address of the Homeowners Association. The present address of the ARC is 3030 South College Avenue, P.O. Box 2125, Fort Collins, Colorado, 80522. The phone number of the ARC is 970-226-1500, and the fax number is 970-223-4156.

1.5 Effect of Covenants. The Declaration of Protective Covenants, Conditions and Restrictions for Lemay Avenue Estates (hereinafter “Covenants”) are documents governing property within Lemay Avenue Estates. Copies of the Covenants, if applicable, are delivered to new home buyers when they purchase their homes and are available at any time at the ARC office. Each homeowner should review and become familiar with the Covenants and applicable to his or her property. Nothing in these Guidelines can supersede or alter the provisions or requirements of the Covenants, and if there is any conflict or inconsistency, the Covenants will control. Provisions relating to the use of property and to improvements to property are found in the Covenants.

1.6 Effect of Governmental and Other Regulations. Use of property and improvements to property must comply with applicable building codes and other governmental requirements and regulations. Approval by the ARC will not constitute assurance that improvements comply with applicable governmental requirements or regulations or that a permit or approvals are not also required from applicable governmental bodies. For general information about City of Fort Collins requirements, homeowners may write or call the City of Fort Collins Building Department.

1.7 Interference with Utilities. In making improvements to property, homeowners are responsible for locating all water, sewer, gas, electrical, cable television or other utility lines or easements. Homeowners should not construct any improvements over such easements without the consent of the utility involved and homeowners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting the following entities:

Qwest: (Telephone)	970-922-1987
Xcel (Gas)	970-225-7848
City of Ft. Collins (Electric)	970-221-6700
Fort Collins Loveland Water	970-226-3104
South Fort Collins Sanitation District (Sewer)	970-226-3104
Comcast Cable	970 484-7166

1.8 Goal of Guidelines. Compliance with these Guidelines and Restrictions, the provisions of the Covenants, will help preserve the inherent architectural and aesthetic quality of Lemay Avenue Estates. It is important that the improvements to property be made in harmony with and not detrimental to the rest of the community. A spirit of cooperation with the ARC and neighbors will go very far in creating an optimum environment which will benefit all homeowners. By following these Guidelines and Restrictions and obtaining approvals for improvements to property from the ARC, homeowners will be protecting their financial investment and will help insure that improvements to property are compatible with standards established for Lemay Avenue Estates. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Guidelines and Restrictions, the ARC’s interpretation thereof shall be final and binding.

1.9 Construction Timeline. Construction of the primary residence and/or any other buildings on the lot shall be completed within 12 months from the date the foundation excavation is begun. Completion shall include all exterior improvements to the building, driveways, sidewalks, patios, decks and any other site improvements excluding landscaping. Please refer to the landscaping installation time requirements. Extensions may be granted for the time to complete by the ARC upon request by the owner but any extension granted will be due to unforeseen circumstances, acts of God, regional shortages of labor or materials or other reasons

of hardship. Violations of this time to complete provision may result in fines and/or liens on the property.

II. SPECIFIC TYPES OF IMPROVEMENTS – GUIDELINES.

2.1 General. Following is a listing, in alphabetical order, of restrictions as well as a wide variety of specific types of improvements which homeowners typically consider installing, with pertinent information as to each. **UNLESS OTHERWISE SPECIFICALLY STATED (SEE SECTION 3.2), DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE ARCHITECTURAL COMMITTEE AND THE WRITTEN APPROVAL OF THE ARCHITECTURAL COMMITTEE OBTAINED BEFORE THE IMPROVEMENTS ARE MADE.** In some cases, where it is specifically so noted, a homeowner may proceed with the improvement without advance approval by the Architectural Committee if the homeowner follows the stated guideline. In some cases, where specifically stated, a type of improvement is prohibited. If you have in mind an improvement not listed below, Committee approval is required.

2.2 Accessory Buildings. Approval is required for any accessory building. Requests for approval will be reviewed on a case-by-case basis, taking into consideration the lot size, square footage of the home and proposed location of accessory building. Approval will be based upon, but not limited to the following criteria:

- (a) Building shall be of the same or generally recognized as complimentary architectural style and color as that of the residence.
- (b) All sides must be “screened” by a fence, vegetation, or the home. Vegetation must be evenly distributed on all exposed sides and must not allow more than 50% of building to be viewed from ground level.
- (c) Any utilities to accessory building shall be underground.
- (e) Shall be located in the side yard, no farther than 3’ from side of house or garage.
- (f) Roof must match the existing roof on residence unless otherwise approved by ARC.
- (g) Should not unreasonably obstruct adjacent neighbor’s views of mountains or open areas.
- (h) Materials must match existing residence unless otherwise approved by ARC.

2.3 Additions and Expansions. ARC approval is required. Additions or expansions to the home will require submission of detailed plans and specifications. Materials should match the existing residence.

2.4 Address Numbers. A standard style of address block has been determined for use throughout Lemay Avenue Estates. This address block must be located on the front of the house in an easily visible location, unobscured by landscaping, to allow for easy identification by visitors and emergency personnel. ARC approval is required to relocate or replace existing numbers. Contact the HOA for more information regarding the address block.

2.5 Advertising. All trade signs, which includes, but are not limited to landscaping, painting and roofing, may only be displayed while work is in progress and must be removed upon completion of the job. Sign may not exceed 2’x3’. Realty signs, see Signs, Section 2.67.

2.6 Air Conditioning Equipment. ARC approval is required. Window units installed at street level must be located in a “side” or “rear” yard and must be concealed from adjacent properties. Installation of air conditioning equipment above street level will not be permitted. See also Evaporative Coolers, Section 2.26

2.7 Antenna. Under Article IX, Section 15 of the Covenants, exterior radio antennae, television antennae, microwave or satellite dish antennae or other electronic signal, receiving or transmitting equipment may not be erected in residential portions of Lemay Avenue Estates unless approved by the ARC, or as otherwise allowed by State or Federal law. Due to the development of satellite antennae technology, the ARC, as a waiver and modification to the restrictions on antennae contained in Article IX, Section 15, adopts the following guidelines:

2.7.1 Satellite Antennae. One (1) small satellite antennae may be installed and maintained on any privately owned site, but only upon compliance with the following conditions:

- (a) Prior written approval of the ARC must be obtained, both before installation and before relocation of any previously approved existing satellite antennae;
- (b) The satellite antennae must be forty (40) inches or less in diameter and indistinguishable from other structures, devices or improvements otherwise in the community and/or by the Covenants and/or these Guidelines;
- (c) The satellite antennae must not be visible from the street side of the privately owned site upon which it is located;
- (d) Adequate screening (fencing, shrubbery, etc.) as is deemed appropriate by the ARC to effectuate the intent of paragraphs (b & c) and also to adequately screen the satellite antennae from neighboring privately owned sites, parks, parkways, greenbelts, school grounds, and open space must be proposed and provided;
- (e) All satellite antennae installed on a privately owned site are restricted for the personal use of the owner of the site;
- (f) When located at ground level, the top of the satellite antennae unit may not exceed forty-five (45") inches above grade;
- (g) The installation of the satellite antennae must comply with any zoning requirements and building codes, if applicable, with evidence of such compliance to be provided to ARC. Must be installed on the home, not free standing or on the fence.

NOTE: ARC approval of a satellite dish antennae is in no way to be construed as representation, guaranty, warranty, etc., by the ARC and/or the Lemay Avenue Estates Homeowners Association that reception and/or transmission signals will be adequate or will remain undisturbed by vegetation or improvements located on surrounding properties.

2.7.2 TV Antennae, Radio Antennae and Other Antennae. Although approved satellite antennae may be installed on privately owned sites, all other exterior radio, TV or other antennae shall remain restricted from residential privately owned sites.

2.8 Awnings Overhangs, Section 2.49

2.9 Balconies Decks, Section 2.21

2.10 Basketball Backboards, Portable and Permanent Backboards ARC approval is required for every type of basketball goal. Free standing, pole mounted backboards may not be constructed in the “front” yard, whether permanent or sleeve-set. Portable freestanding basketball boards may be conditionally approved if reasonably placed for

play and properly stored when not in use. "Rear" and "side" yard pole mounted basketball backboards may be approved based upon, but not limited to, the following considerations: proximity of goal to the property lines, proximity to the neighbor's living area, landscaping and vehicles.

- 2.11 **Birdbaths.** ARC approval is not required if placed in "rear" yard and of a height not greater than 3 feet including any pedestal. Placement in "front" or "side" yard requires ARC approval.
- 2.12 **Birdhouses and Birdfeeders.** Committee approval is not required for one "rear" yard installation. Size is limited to 1 x 2 feet. Additional units or location in "front" or "side" yard needs ARC approval.
- 2.13 **Boats.** Motor Vehicles/Recreational Vehicles, Section 2.48.
- 2.14 **Business Activity From a Residence.** A lot shall be used as a site for a residence and for no other purpose. No commercial business or trade shall be conducted on any lot, except such home occupations as defined and permitted under applicable zoning codes or regulations. Said home occupations are not allowed if there will be a change from the normal residential restrictions including, but not limited to: trash, sound, odor, signage, traffic, vehicles, parking, and deliveries.
- 2.15 **Campers.** Motor Vehicles/Recreational Vehicles, Section 2.48
- 2.16 **Car Covers or Carports.** Permitted. See Sections 2.20 and 2.48 for allowable methods of vehicle storage.
- 2.17 **Circular Driveways.** See Section 2.25.
- 2.18 **Clothes Lines and Hangars.** ARC approval is not required for temporary clothes lines or clothes drying structures in the backyard which can be, and are in fact, taken down after each use. Note that clothing, fabrics and other articles may not be hung, dried or aired so as to be visible from other properties.
- 2.19 **Compost.** ARC approval is required. Container must not be immediately visible to adjacent properties and odor must be controlled. Underground composting is not allowed.
- 2.20 **Commercial and/or Oversized Vehicles.** Commercial vehicle is defined as, but is not limited to, a vehicle that has a business name or logo on it, has equipment attached to or is used for the purpose of providing services to an individual or corporation. An oversized vehicle is defined as a vehicle that cannot be parked within the garage. All commercial vehicles must be parked in the garage. Oversized vehicles or ungarageable commercial vehicles must have committee approval to be parked in the driveway or on the street. Such approval will be based upon, but not limited to, no more than one vehicle, affect on curb appeal, affect on safety, and affect on street traffic. No vehicle, whether commercial or oversized, shall be parked in such a manner that it blocks the sidewalk.
- 2.21 **Decks.** ARC approval is required. Must be wood, composite or other material similar to the material of the residence and, if painted, must be a color similar to or generally acceptable as complementary to the residence. Elevated decks require masonry

component on columns or posts. Covered decks must use the same roofing materials used for the home and must be installed as an integral part of the residence and patio area. Must be located so as not to obstruct or diminish greatly the view of adjacent property owners or to create an “unreasonable” level of noise for adjacent property owners. Construction shall not occur over easements and must be set back according to the setback requirements. See Architectural Standards Summary for Estate Lots.

- 2.22** **Dog Run** Approval is required. Considerations may include, but not be limited to, location in “rear” or “side” yard and abutting the home, proximity to neighbor’s residence, “screened” from view, type of cover if utilized, limited in size to 250 square feet, and no higher than the existing perimeter fencing. If a cover is used, the cover type and materials used must be addressed in the request for approval, generally tarpaulins are not approved. “Dog kennels” are not allowed.
- 2.23** **Doors** Approval is not required for the addition of screen or other type doors to a home or an accessory building if the material matches or is similar to existing doors on the house and if the color is generally accepted as a complimentary color to that of the existing doors on the house. Security treatments for doors and windows must be approved by the ARC.
- 2.24** **Drainage** Approval is required for any change affecting drainage. Article IX.8 of the Declaration of Protective Covenants requires that each lot owner be responsible for providing adequate water drainage from the lot into existing storm drains or street gutters so that water does not drain onto adjacent lots. The established drainage pattern as engineered and constructed by the Developer/Builder prior to (or in some cases, immediately following) conveyance of title from the Developer/Builder must not be interfered with, except as approved in writing by the ARC. When installing your landscaping, it is very important to insure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks and driveways. Water should flow over walkways, sidewalks or driveways into the street. The ARC may require a report from a drainage engineer as part of landscaping or improvement plan approval. Landscaping should conform to the established drainage pattern. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption on the lot.
- 2.25** **Driveway** Expansion, expansion, or resurfacing of driveways requires ARC approval. Any approved driveway expansion shall not be intended to promote the parking or storage of any vehicle off the driveway on a side yard. To avoid long expanses of concrete driveways, the ARC may require most properties with three car garages to taper the driveway to 22’ at the curb. See Motor Vehicles/RVs, Section 2.48.
- 2.26** **Evaporative Coolers.** Are not allowed.
- 2.27** **Exterior Lighting** Lights and Lighting, Section 2.45. Any addition to the original exterior fixtures (garage, front and rear doors) must be approved. Note: Builders are not at liberty to install accessory lighting without proper authorization.
- 2.28** **Fences.**
- A. **General Statement:** Fences and/or walls constructed by the Developer or Builder along or abutting property lines, arterial streets, collector streets, and local streets may not

be removed, replaced, painted a different color or altered, including adding a gate, without approval of the ARC. If any such fences and/or walls constructed by the Developer or Builder which are located on a homeowner's property are damaged or destroyed by the homeowner, then the homeowner shall repair or recondition the same at homeowner's expense. **Fences must be stained with the approved stain for Lemay Avenue Estates, which is Daplin, (8234M) and may be purchased at KWAL Paint and Tri-City Paint.**

B. Fence Criteria: Refer to document Lemay Avenue Estates Homeowner Fencing Detail Fence Type Open Rail included herein.

C. Drainage Under Fencing . 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 a space of 2" to 3" between bottom of the fence and the ground elevation so as not to block these drainage patterns.

D. Fence Design Approval. Double fencing of property lines is not permitted. Fences planned to be located in the rear or side yards along property lines (not previously installed by Developer or Builder) must be constructed exactly in accordance with the specifications shown on the Lemay Avenue Estates Homeowner Fencing Detail Fence Type Open Rail attached to these guidelines. ARC approval of the location of the fence is required prior to installation by submitting a simple sketch, using the site plan of the lot showing the fence line and gates and any variations in height.

Fence sections which front or abut any public or private street, another front yard, common walkway, greenbelt, park or non-urban area must be constructed such that the side of the fence which is generally accepted as being the more "finished" side faces said public or private street, common walkway, etc. The ARC will require a transitional section of fencing where it is applicable for symmetry and aesthetics. No electrical fences will be allowed. No vinyl, plastic, chicken wire, hog wire, barbed wire or strand wire will be allowed.

E. Maintenance and Staining: Stone columns will be maintained by the Developer/ HOA; however, homeowner is responsible for any damage done by homeowner. Staining of all fences must be done with the approved stain for Lemay Avenue Estates. See Fencing Plan and Details document. **The permitted stain is Daplin, (8234M) and may be purchased at KWAL Paint or Tri City Paint.**

2.29 Firewood Storage Firewood Storage, Section 2.95

2.30 Flags ARC approval is required. May not exceed height of the peak roof line of the house.

2.31 Garbage Containers and Storage Trash Piles, Containers, and Enclosures, Section 2.81.

2.32 Gardens – Flower ARC approval is not required. All flower gardens must be weeded, cared for and carefully maintained.

2.33 Gardens – Vegetable ARC approval is not required if "screened" and if located in the rear or side yard. It must be weeded, cared for and carefully maintained.

- 2.34 **Gazebos** approval is required. Must be an integral part of the landscape plan and must not obstruct adjacent property owners' primary view.
- 2.35 **Grading and Grade Changes** Drainage, Section 2.24.
- 2.36 **Greenhouses** approval is required. Approval will be based upon but not limited to general aesthetics, quality and permanence of materials used. Adequate screening will be required.
- 2.37 **Hanging of Clothes** Clotheslines and Hangers, Section 2.18.
- 2.38 **Holiday Lights** exterior holiday (Christmas, Independence Day, Halloween, etc.) decorations and lighting may only be displayed one month prior to the holiday and must be removed within 14 days after the holiday. For example, Christmas and New Years decorations may be installed November 24th and must be removed by January 14th
- 2.39 **Hot Tubs** approval is required. It is suggested that it be an integral part of the deck or patio area and/or the rear yard landscaping. Must be in the rear or side yard. Must be installed in such a way that it is not immediately visible to adjacent property owners and that it does not create an unreasonable level of noise for adjacent property owners.
- 2.40 **Irrigation Systems** ground manual or automatic irrigation systems will not require approval of the ARC. Overspray from irrigation systems shall not encroach onto other properties.
- 2.41 **Jacuzzi** Hot Tubs, Section 2.38.
- 2.42 **Junk / Inoperable Vehicles** Motor Vehicles/Recreational Vehicles, Section 2.48.
- 2.43 **Kennels** allowed. See Dog Runs, Section 2.22 and Definitions.
- 2.44 **Landscaping** approval is required for all landscaping. Each owner shall complete a landscape plan, complete with a timetable for starting and completion, and this plan shall be submitted for written approval by the ARC contemporaneously with the submission of the dwelling plans, or within thirty (30) days after the dwelling is occupied. (Builder owned houses for sale excepted.) Landscaping plan should include a drawing, to scale, showing location of various trees, shrubs, flower beds, walkways, berms, play areas, water features, etc., with types of plants intended for use clearly marked. Buffalo grass will not be approved as a front yard lawn grass. The ARC is empowered to remove or have removed any shrubs, plants, trees, gardens, swimming pools, playground areas, gazebos, water features, and the like, not having received the approval of the ARC. All costs for said removal shall be paid by lot owner.

Unless otherwise approved by the ARC, in its sole discretion, any Lot on which a dwelling is completed between May 1 and September 1 of any year shall complete grass, seeding or sodding erosion and weed control landscaping within thirty (30) days after the completion of the dwelling and the remainder of all landscaping will be completed in accordance with the timetable described in the landscape plan, but not later than six (6) months after the dwelling is inhabited, unless otherwise extended in the sole discretion by the ARC. All dwellings completed in other months shall complete grass, seeding, or sodding erosion and weed control landscaping by the next July 1st and the remainder of all landscaping will be

completed in accordance with the timetable described in the landscape plan but not later than six (6) months after the dwelling is inhabited. All Owners of Lots other than Developer shall cut and control all weeds and vegetation growing on all Lots, whether vacant, occupied, or those with improvements under construction.

Note: The City of Fort Collins has required that specific tree types be planted in specific locations upon each lot throughout Lemay Avenue Estates. No variation from this approved landscape plan is permitted. These trees must be installed by the homeowner at the homeowner's expense.

- 2.45 **Latticework.** ARC approval is required for any type of trellis or latticework.
- 2.45 **Lights and Lighting.** ARC approval is required to change or add exterior lighting. Therefore, the use of motion detector spots, spotlights, flood lights or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.) require ARC approval. Considerations may include, but not be limited to, the visibility, style and location of the fixture. Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cause glare to other homeowners (bullet type light fixtures are recommended.)
- 2.46 **Motorcycle.** See Section 2.48.
- 2.47 **Motor Homes.** Not permitted to be located or parked permanently in residential areas. See Motor Vehicles/Recreational Vehicles, Section 2.48.
- 2.48 **Motor Vehicles/Recreational Vehicles.** Motor vehicles, campers, campers on/off a vehicle, boats, mobile homes, horse trailers or other trailers, tractors, motor homes or trucks (other than a pickup) may be stored or parked in such a manner as to be visible from any other property for longer than forty-eight (48) consecutive hours (2 days) during any month, except as may be approved in writing by the ARC. Such vehicles may be kept only within garages or enclosed structures approved by the ARC. Periodic movement of the vehicle for the sole purpose of circumventing this standard shall not qualify the vehicle for exception from this standard.

No vehicle shall be allowed to be parked or stored on a residential lot unless it is located on the driveway, in the garage or hidden from view by an enclosure which has been approved by the ARC.

Inoperable vehicles (Legal and/or mechanical) cannot be repaired, constructed or allowed to remain on any property so as to be visible from any other property.

- 2.49 **Overhangs/Awnings.** ARC approval is required. The color must be the same as or generally recognized as complementary to the exterior of the residence.
- 2.50 **Paint.** ARC approval is required for all exterior painting. The submittal must contain the manufacturer's paint chips with name and code number. Approval will take into consideration, but not be limited to the "sheen" of paint, the home's architecture, stone or brick accents, roofing color, and color of neighboring properties.
- 2.51 **Patio Covers.** ARC approval is required. Must be constructed of wood or material generally recognized as complementary to the home and be similar or generally

recognized as complementary in color to the colors in the home. Free-standing patio covers may be permitted as well as extensions of the roof.

- 2.52 **Patios – Enclosed** Additions and Expansions. Section 2.3
- 2.53 **Patios – Open** Approval is required. Must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. Must be similar or generally accepted as a complementary color and design of the residence.
- 2.54 **Paving** Approval is required, regardless of whether for walks, driveways, patio areas or other purposes and regardless of whether concrete, asphalt, brick, flagstones, stepping stones, pre-cast patterned or exposed aggregate concrete pavers are used as the paving material.
- 2.55 **Pipes** Pipes and equipment must be approved. Adequate screening may be required. PVC pipes are usually not allowed. See Utility Equipment, Section 2.85.
- 2.56 **Play and Sports Equipment** Approval is required if equipment is more than seven (7) feet in height. Playground equipment to be located from rear and side lot lines a minimum distance equal to the tallest height of the equipment, but not less than 5 feet. Play equipment or items used for front yard play are to be stored out of view when not in use. Plastic equipment must be stored out of view from neighboring yards if the lot is not fenced. Consideration should also be given to securing lightweight play equipment, which is subject to movement by high winds. Swing sets must be constructed of wood and stained with the same color as used for the fencing throughout Lemay Avenue Estates. A playground area should be designated on the approved landscaping plan for construction of play equipment such as swing sets, playhouses and forts.
- 2.57 **Playhouses** Approval is required. If structure is more than 24 sq. ft. or over six (6) feet high, it shall be considered an accessory building. See Accessory Buildings, Section 2.2.
- 2.58 **Poles** Flagpoles, Utility Equipment, Basketball Backboards, Birdhouse, etc.
- 2.59 **Pools** Approval is required. Above-ground pools will be discouraged. See Hot Tubs, Section 2.38.
- 2.60 **Radio Antennae** Antennae, Section 2.7.
- 2.61 **Roofs (Replacement)/ Rooftop Equipment** Approval is required if material is changed. Rooftop equipment must be approved and must be painted a color similar or generally accepted as complementary to the exterior of the house and installed so as to minimize the visibility of the equipment on the roof.
- 2.62 **Shutters** Approval is required.
- 2.63 **Screen Doors** Doors, Section 2.23.

- 2.74 Sunshades Overhangs, Section 2.49.
- 2.75 Swamp Cooters Allowed.
- 2.76 Swing Sets Play and Sports Equipment, Section 2.56.
- 2.77 Television Antennae Antennae, Section 2.7.
- 2.78 Temporary Structures Committee approval is required. Tents, shacks, temporary structures or temporary buildings are prohibited without the prior consent of the ARC, and except in unusual circumstances such consent will not be given. Camping tents for occasional overnight sleeping by children or party tents will not require ARC approval if left up for not longer than 72 hours.
- 2.79 Temporary Vehicles Motor Vehicles/Recreational Vehicles, Section 2.48.
- 2.80 Trailers Motor Vehicles/Recreational Vehicles, Section 2.48.
- 2.81 Trampolines Trampolines are considered play equipment and the same standards apply as in section 2.56 above.
- 2.82 Trash Containers, Enclosures, and Pickups Trash enclosures require approval of ARC. Trash, refuse, garbage, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind may not be kept, stored or allowed to accumulate on any lot except within an enclosed structure or appropriately screened from view. Trash containers may be placed on the street for pickup the evening prior to pickup. Trash containers must be properly stored the evening of pickup. See Compost, Section 2.19.
- 2.83 Tree Holes Not be permitted.
- 2.84 Trucks Section 2.20 and 2.48.
- 2.85 Underground Installations ARC approval is required.
- 2.86 Utility Equipment Installation of utilities or utility equipment required ARC 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. See Section 2.57.
- 2.87 Vanes Wind chimes, Section 2.94.
- 2.88 Vehicles (Large) Motor Vehicles Section 2.20 & 2.48.
- 2.89 Vents Rooftop Equipment, Section 2.61.
- 2.90 Walkways Section 2.28
- 2.91 Walls – Retaining. ARC approval is required. Walls should not void reasonable fencing of property lines, nor disturb certified drainage plans.

- 2.92 **Water Systems.** ARC approval is not required if the water system is completely contained within the dwelling unit and causes no architectural change to the exterior of said dwelling unit.
- 2.93 **_____ Walls** permitted. No mining or extraction of minerals shall be permitted on any lot.
- 2.94 **_____ Windows: Tinting, Security Bars**ARC approval is required. Note, security bars may not be approved on second story windows and windows visible to the street.
- 2.95 **_____ Wind turbines, Wind vanes, Wind chimes, Directionals, etc**ARC approval is required.
- 2.96 **_____ Wood Storage**approval is not required. Wood must be located in the side or backyard, adjacent to the house; must be neatly stacked; and must not be located so as to block any existing drainage pattern on the lot.

III. PROCEDURES FOR ARC APPROVAL:

- 3.1 **General.** These Guidelines are published to assist Owners and Builders in complying with the Covenant provisions of Lemay Avenue Estates and to encourage all residential construction to be completed in conformity with the provisions for architectural control. These are guidelines only and the Architectural Review Committee (ARC) does have final approval authority for the plans submitted. Individual items may be waived or other requirements added to produce an acceptable outcome or may be varied by location and lot to enhance compatibility in the sole opinion of the Architectural Review Committee.

As indicated in the listing of specific types of improvements, there are some cases in which advance written approval of the Architectural Review Committee is not required if the guidelines with respect to that specific type of improvement are followed. In a few cases, as indicated in the listing, a specific type of improvement is not permitted under any circumstances. **IN ALL OTHER CASES, INCLUDING IMPROVEMENTS NOT INCLUDED IN THE LISTING, ADVANCE OR PRIOR WRITTEN APPROVAL BY THE ARC IS REQUIRED BEFORE AN IMPROVEMENT TO PROPERTY IS COMMENCED. THIS SECTION OF THE GUIDELINES EXPLAINS HOW SUCH APPROVAL CAN BE OBTAINED.**

All plans in Lemay Avenue Estates submitted to the ARC will be evaluated by the Architectural Review Committee (ARC) and approval will be based upon conformance with the submittal requirements, architectural standards, and the construction regulations described herein. The intent of the review process is to ensure that each home has individual design quality and integrity while remaining compatible with the overall neighborhood.

- 3.2 **Drawings or Plans.** The ARC requires all submittals to list the address and legal description of the property and the name and address of the property owner. Submittal must be made prior to commencement of work on any Improvement to Property. The submittal must include “descriptions, surveys, plot plans, drainage plans, elevation drawings, construction plans, specifications and samples of materials and colors” as the ARC may reasonably request showing the nature, kind, shape, height, width, color, materials and location of the proposed improvement. In some cases, the materials to be

submitted will not have to be professionally prepared by an architect, a landscape architect or draftsman, and a simple drawing and description will be sufficient. In the case of major improvements, such as room additions, structural changes or accessory building construction, detailed plans and specifications, prepared by a licensed professional, may be required. Whether done by you or professionally, the following guidelines should be utilized in preparing drawings or plans:

- A) The drawing or plan should be done to scale and should depict the property lines of your lot and the outside boundary lines of the home as located on the lot. If you have a copy of an improvement survey of your lot obtained when you purchased it, this survey would be an excellent base from which to draw.
- B) Existing improvements, in addition to your home, should be shown on the drawing or plan and identified or labeled. Such existing improvements include driveways, walks, decks, trees, bushes, etc.
- C) The proposed improvements should be shown on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed improvement, including the materials to be used and the colors. (Example: Redwood deck, 10'x12' with 2" x 4" decking. Natural stain.)
- D) The plan or drawing and other materials should show the name of the property owner, the address of the home and a telephone number where the property owner can be reached.

3.3 ARCHITECTURAL REVIEW REQUIREMENTS:

- A) **Submission of Drawings and Plans.** Please complete the “Architectural Control Submittal” form by checking off the items that are specific to the request, and making sure that these items are addressed on the drawings or plans. A copy of this form is included on page 19. Samples of exterior color selections must be submitted for ARC approval using the form provided on page 20. Two copies of the drawing or plan must be submitted to the ARC. **The items shown on the “Architectural Control Submittal” form must be submitted and ARC approval received prior to any construction activity commences.**

3.4 SUBMITTAL REQUIREMENTS: Before construction begins, each Owner must submit the following items for review by the ARC and all submittals are to be clearly marked with the Owners name and phone number, mailing address, lot number and site address:

- A) Site Plan (2 copies) which indicates the following:
 - Building locations (dimensioned from all property lines)
 - Setbacks and easements
 - All driveways, decks, pads, sidewalks, etc., locations
 - Grading and drainage plan, including flow arrows
 - Top of Wall elevations for house, garage, and all step-downs
 - Elevations of all corners of each lot
- B) Construction Drawings (2 sets – One will be returned to you) indicating:
 - Exterior elevations, all sides, showing dimensioned trim, railing & door details

- Indications of exterior materials with front percentages calculated & shown.
 - Exterior details including chimneys, exterior stairs, decks, railings and columns, and location of required standard address block on front elevation.
 - Roof Pitches.
 - Building height measured from where driveway meets top of curb.
- C) Colors and Exterior Finishes:
- Actual color samples of exterior finishes and paint colors on 8 ½ x 11 format (No photos, except for brick or stone. Use Color Submittal Form)
 - Color picture of roof selection with specifications & warranty details.
- D) Landscape and Fencing Plans: (2 sets – One will be returned to you)
- Site plan showing location and type of trees & shrubs, primarily the lot specific tree requirements; fencing; grass; rock; berms; fountains or ponds; terracing, retaining walls; decorative features; lighting, etc. Please attach a copy of the fence detail form with your submittal.
- E) Additional Improvements:
- Any other anticipated items such as dog runs, storage areas, etc. Additional construction to a home or landscaping after completion of an approved site must be submitted to ARC for approval prior to initiating such changes or additions.
- F) Review Fees On Estate Lots:
- \$250 Fee payable to “Lemay Avenue Estates Homeowners Association” for Plan Review.
 - \$150 Fee for each additional plan revision after 2nd review.
 - \$500 Construction Deposit payable to “Lemay Avenue Estates Homeowners Association” to be held until completion of landscaping.

3.5 BUILDING CODE: All residential structures must conform to the applicable building code of the City of Fort Collins. Approval by the ARC of plans submitted to them does not imply compliance with any building code or ordinances. The Owner and Builder shall be required to obtain a building permit from City of Fort Collins and obtain the necessary inspections for a Certificate of Occupancy.

DEFINITIONS:

Boat: A boat is a structure designed for navigation on the water and propelled by oars, paddles, sails, or active power, and includes any object commonly understood to be a boat.

Camper Coach: An item of mounted equipment which, when temporarily or permanently mounted on a motor vehicle, adapts such vehicle for use as temporary living or sleeping accommodations.

Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

Common Areas: Outlots that have been or will be dedicated to the Homeowners Association for the purpose of greenbelts, streetscapes, entry features, etc.

Concealment: Requires that 80% of the area or object be hidden from the view of the adjacent properties.

Dog Kennel: A structure where animals are individualized for purposes of boarding, breeding or training or any type of commercial venture.

Dog Run: A contained space that is intended to allow one or more animals free movement in the out of doors.

Legally Inoperable: A vehicle's licensing status – e.g. expired plates.

Mechanically Inoperable: A vehicle's physical status – e.g. car is not road-ready (motor dysfunctional, drive train out, flat tires, etc.)

Mobile Home: A mobile home is any type of trailer or vehicle body, regardless of any appurtenances, additions, or other modifications thereto, without independent active power, manufactured upon an integral chassis or under carriage and designed either for travel over the highways or for housing accommodations or both.

Motor Home: A vehicular unit, built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

Recreation Vehicle: A recreational vehicle is a vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own active power or is mounted on or drawn by another vehicle.

Screened: Requires that 50% of the area or object be hidden from the view of adjacent properties.

Sheen: Sheen is the degree of luster of a dried paint film. ARC will approve paint with an angular sheen of 0-25 degrees for base and trim colors.

Trailer/Trailer House: A trailer is any vehicle coupled to, or drawn by any motor vehicle. A trailer house is a trailer designed to serve wherever parked as a dwelling or a place of business.

Travel Trailer: A vehicular portable unit, mounted on wheels, primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use.

Truck Camper: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use. This does not include pickup trucks $\frac{3}{4}$ ton or less in size with a topper or shell that does not exceed the height of the cab.



ARCHITECTURAL STANDARDS SUMMARY FOR ESTATES LOTS

(REQUIREMENTS ARE SUBJECT TO CHANGE)

- 1) **DIVERSITY OF STYLES:** It is the intent of the ARC to ensure that each home is compatible with the neighborhood as a whole, while encouraging individuality of style.
- 2) **MINIMUM SQUARE FOOTAGE:**
Unless otherwise approved by the ARC in their sole discretion, no dwelling may be erected in the Lemay Avenue Estate Lot Area unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings is at least:

Lot and Block	Dwelling Style	Minimum Square Footage
Lots 1-55	Ranch	2400 Square Feet
	2 Story	2800 Square Feet

- 3) **BUILDING LOCATION, BUILDING ENVELOPES, AND GARAGES:**
Building location, building envelopes and garages shall be as is depicted on the recorded plat. All lots are subject to a specific building envelope as shown of the Final Site and Landscape Plan specific to each lot.

All street-facing garage doors must be recessed behind either the front façade of the ground floor living area portion of the dwelling or a covered porch (measuring at least six feet by eight feet) by at least 4 feet. Any street facing garage doors complying with this standard shall not protrude forward from the front façade of the living area portion of the dwelling by more than eight (8) feet.

Garage doors may be located on another side of the dwelling (“side-or-rear loaded”) provided that the side of the garage facing the front street has windows or other architectural details that mimic the features of the living portion of the dwelling. Garage doors shall not comprise more than fifty (50) percent of the ground floor street-facing linear building frontage. Corner lots are exempt from this standard.

The ARC will discourage the location of driveways being located back to back on neighboring lots. In those cases where back to back driveways are unavoidable, additional setback from side property lines may be required along with enhanced landscaping to buffer the adjacent drives.

- 4) **Compliance Deposit:** A \$1500 deposit payable to the Lemay Avenue Estates Homeowners Association will be collected with each Owners ARC submittal. This deposit will be held in an interest bearing account for architectural control and construction compliance. It is the intent of the Developer to maintain high standards of

cleanliness and compliance throughout the build-out period. Once excavation has been completed, an orange commercial grade construction fence must be installed around the Building Envelope. When construction has been completed and landscaping installed and a written request has been submitted, the construction deposit will be refunded. However, if, in the sole judgment of the Developer, there has not been compliance with stated requirements, a fine may be assessed and debited against the deposit. Furthermore, the Developer may take actions to maintain lots, install fencing, remove trash, etc., from any lot not adequately maintained or properly kept with any costs for such actions being assessed to the Owner over and above the above referenced deposit.

- 5) **Architectural Review Fees:** Although preliminary submittals are not required, they are encouraged. The ARC will review any Builder’s or Owner’s plans, sketches or conceptual drawings at any stage before final submittal. This process should help Owners avoid the expense and frustration of a possible ARC disapproval of a formal submittal. The review fee is due with this conceptual submittal.

A fee of \$500 for the initial ARC/Architect review must be submitted with the site plan and construction drawings (or with conceptual sketches if a preliminary review is desired.) This fee will allow for one review by the Architect with redline responses, and one re-submittal and response. Additional re-submittals will require another \$150 fee per submittal. The ARC will provide a written response within 15 (fifteen) working days after submittal. Final approval of plans is valid for twelve (12) months. Construction must begin within this period or, if not, plans must be re-submitted and reviewed again, as if they had not been submitted or reviewed before. This re-submittal shall be accompanied by the above referenced \$250 fee. (NOTE: The ARC may adjust the fee schedule for submittals and review at any time.)

6) **EXTERIOR ELEVATIONS ON ESTATE LOTS:**

EXTERIOR FINISH:	50% minimum of entire front elevation to be masonry or stucco. A minimum of return along side elevation shall be 4’ of full length vertical corner wrap. Stucco must be upgraded design with built-out windows and/or other detailing. Brick or stone is encouraged on front elevations with stucco. Rear and side elevations, especially those on roads, corners or open spaces, should also include architectural enhancements such as gable ends, pop-outs, bay windows, masonry, etc.
SIDING:	Hardboard Siding—Painted minimum or equivalent. 8” Maximum reveal. Vertical siding only as accent or complimentary to specific styles.
CORNERBOARDS:	1x6 Battons minimum
FASCIA & SOFFITS:	Minimum 8” fascia with birdbox corners; Minimum 18” soffits
WINDOWS	1”x4” minimum window surround
OVERHANG	Minimum 18” unless style dictates otherwise.
ROOF SLOPE	6/12 Pitch minimum, or for every 1’ decrease in pitch, there is a 1’ increase in overhang; 12/12 Pitch maximum (Predominant roofs). Other roof pitches may be approved if complimentary to area style.
VENTS, PIPES, CHIMNEY CAPS:	To be located on roof slope away from street whenever possible and painted to match trim, siding or roof material.
DECKS:	Any elevated decks require masonry component, ie. columns, posts, or a covered deck using same roofing materials as house.

COLORS:	Color selection sheets showing body & trim paint and exterior masonry selection must be approved by ARC before installation. All exterior railing, wood, trim must be painted or stained.
ROOFING:	40 Year heavy textured, shadow composition shingle in approved color; OR Tile or slate which has been approved by ARC. Metal roofs or cement tile may be approved if necessary to the architectural style of home and are of a natural color. Standard composition shingles are not acceptable. Spanish style, barrel tile will not be accepted.
HEIGHT:	35' maximum from where driveway meets top of curb.
BUILDING ENVELOPES:	See recorded plat Final Site and Landscape Plan.
GARAGES	All garages must be side-load, rear-load, or recessed at least 8' from front of house. See detailed explanation above.
TOP OF FOUNDATION:	Minimum elevation as per drainage plan prepared by Northern Engineering. Plan shall be noted if TOW is to exceed minimum by more than 1'.
FENCING:	See Fence Detail document for specific requirements. Vinyl is not permitted. Fence stain is Daplin (8234M) and may be purchased from KWAL or Tri City Paint.
LANDSCAPING:	The intention of the approval process is to encourage an open feel between lots. Plans which define a rigid property boundary are discouraged while plans which blend yards through the use of similar planting materials along property lines are encouraged. All lots must have a detailed landscaping plan approved by ARC before installation. Plans to be submitted with dwelling plans or no later than 30 days after close of sale. Grass seeding or sod to be installed within 30 days of closing on all homes completed between May 1 and September 1 of any year. Homes completed after September 1 st must have grass by next June 1 st . In addition to the above requirements, all lots in Lemay Avenue Estates are subject to specific tree lawn requirements. Please contact the HOA if you have any questions, or check the plot plan you received at closing which indicates the specific type and location of trees which are required for each lot.

7) **ORANGE CONSTRUCTION FENCING:** All lots must be fenced with temporary mesh fence prior to any construction-related activity. The rear of the lot and both sides out to the sidewalk or curb must be fenced in order to contain trash and prevent encroachment onto adjoining properties or greenbelt. Owners must access their lots through the front only and may not dump excavated soil or debris on neighboring property.

8) **CONSTRUCTION MAINTENANCE:** All Owners are responsible for maintaining their lots by controlling weeds and trash. Each lot should have it's own temporary power, trash container, and portable toilet, unless several Owners have agreed to share these facilities.

9.) **CONSTRUCTION TIMELINE:** Construction of the primary residence and/or any other buildings on the lot shall be completed within 12 months from the date the foundation excavation is begun. Completion shall include all exterior improvements to the building, driveways, sidewalks, patios, decks and any other site improvements excluding landscaping. Please refer to the landscaping installation time requirements. Extensions may be granted for the time to complete by the ARC upon request by the owner but any extension granted will be due to unforeseen circumstances, acts of God, regional shortages of labor or materials or other reasons of hardship. Violations of this time to complete provision may result in fines and/or liens on the property.



ARCHITECTURAL CONTROL SUBMITTAL

PLEASE CHECK OFF WHAT IS INCLUDED AND SUBMIT COMPLETED PACKAGE WITH APPROPRIATE CHECKS AND MAIL OR DELIVER TO: ATTENTION: ANNE MARIE ROMME EVERITT COMPANIES, 3030 S. COLLEGE, FORT COLLINS, CO 80525

Date of Submittal: Lot: Address: Home Owner Name (if available): Phone Builder Name: Phone Mailing Address: Phone

COMPLIANCE DEPOSIT: \$ 1500 per lot ARC FEES: \$500 Architectural Review fee per lot plus \$150 additional for each revision after 2nd review (Please make checks to "Lemay Avenue, LLC")

SITE PLAN (Please provide 2 Copies: One will be returned to you)

- Building location (dimensioned from all property lines) Setbacks and easements shown Driveway, decks, pads, sidewalks locations shown Grading and Drainage Plan, including flow arrows Top of Foundation for House and Garage and all step-downs Elevations of all lot corners shown Location and type of the trees which are required by the CFC to be installed in the tree lawn.

CONSTRUCTION DRAWINGS (2 SETS: One will be returned to you)

- Exterior elevations showing dimensioned trim, railing & door details Indications of exterior materials with percentages calculated & shown Exterior details including chimneys, stairs, decks, railings, columns, and location of standard address block on front elevation. Roof pitches shown on drawings Square footage, excluding basement, is Building height as measured from where driveway meets top of curb

COLORS AND EXTERIOR FINISHES:

- Actual samples of exterior finishes and colors to be attached to the Color Selection Form included in packet (No Photos, except for brick/stone and roof) (Use Color Submittal Form) Picture of roof selection with warranty and details

LANDSCAPE & FENCING PLANS:

- Site plan showing location and type of trees & shrubs; fencing; grass; rock; berms; fountains or ponds; terracing, retaining walls; decorative features; lighting, etc. Please attach a copy of the fence detail specific to your lot so that there is no confusion as to criteria. Reminder-each lot has a specific tree lawn requirement which must be installed.



Builder Checklist for Lemay Avenue Estates

The following is checklist to help facilitate the process of building at Lemay Avenue Estates. All items listed are requirements that must be followed by each builder for each lot. Please review this checklist prior to the commencement of construction to verify that all criteria have or will be met. **Should you have questions, please contact Aaron Everitt or Tom Donkle @ (970) 226-1500**

Architectural Review Submittal

Allow approximately 7-10 days for ARC review. Please refer to the *Architectural Review Submittal Checklist*.

Pre-Construction Meeting

This meeting must be scheduled by the Builder with Kevin Taylor of the Everitt Companies at (970)226-1500 or (970)567-1921 prior to the commencement construction. This meeting will inform the builder of the developer expectations and requirements to build in Lemay Avenue Estates.

Trash Container/Portable Toilet

Each lot is required to have a dumpster and portable toilet. The dumpster must be dumped on a regular basis.

Orange Construction Fence

Once excavation has been completed, an orange construction fence must be installed around the Building Envelope. This fence helps to mitigate encroachment onto adjoining lots and contains trash.

Street Tree Installation

Any questions that you have regarding the installation of Street Trees may be discussed with Kevin Taylor at the Pre-Construction meeting

Please Note: Each one of the above items must be addressed as indicated. Failure to meet the requirements will result in forfeiture of Compliance Deposits and additional fines.



EXTERIOR COLORS AND MASONRY SELECTIONS FORM

The following exterior paint colors and brick selections are hereby submitted for approval by the Architectural Review Committee of Lemay Avenue Estates and will be retained in the HOA files. I agree to submit any changes to these selections for approval prior to application. Note: ARC approval must be given prior to application.

Lot # _____ Site Address: _____ Submittal Date: _____

Builder's Name: _____ Telephone & Fax: _____

EXTERIOR PAINT COLORS:

(Name and Number)

Body: _____

Trim: _____

Attach body color sample here
Body

Attach trim color sample here

BRICK, STONE, or STUCCO:

Please provide a colored photo or cut out from brochure not an actual sample of brick or stone.

Color: _____

Company: _____

Attach photo or stucco sample here