

## RESOLUTION NO. 2021-05-03

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDY OAK TOD METROPOLITAN DISTRICT ADOPTING THE AMENDED AND RESTATED DESIGN GUIDELINES AND RULES AND REGULATIONS OF OAK STREET TOWNHOMES

1. The Indy Oak TOD Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Lakewood, County of Jefferson, Colorado.
2. The District operates pursuant to its Service Plan approved by the City of Lakewood on September 25, 2017, as the same may be amended and/or modified from time to time (the “**Service Plan**”).
3. Pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.”
4. Century at Oak Street, LLC (the “**Developer**”) caused to be recorded the Covenants and Restriction of Oak Street Townhomes on August 10, 2018, at Reception No. 2018073655 of the County of Jefferson, Colorado, real property records, as amended by the Technical Amendment to Covenants and Restrictions of Oak Street Townhomes, recorded on July 29, 2020, at Reception No. 2020091406 of the County of Jefferson, Colorado, real property records, as the same may be further amended and/or modified from time to time (collectively, the “**Covenants**”) applicable to the real property within the District (the “**Property**”).
5. Pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District’s Service Plan, a metropolitan district may provide covenant enforcement within the District if the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement and design review entity.
6. The Covenants provide that it is the intention of the Developer to empower the District to provide covenant enforcement services to the Property.
7. Pursuant to the Covenants, the District may promulgate, adopt, enact, modify, amend, and repeal rules and regulations concerning and governing the Property and the enforcement of the Covenants.
8. The District previously adopted Resolution No. 2019-09-02 Adopting the Design Guidelines and Rules and Regulations of Oak Street Townhomes (the “**Original Resolution**”) whereby the Board of Directors of the District adopted the Design Guidelines and Rules and Regulations of Oak Street Townhomes.
9. The District desires to amend and restate the Design Guidelines and Rules and Regulations of Oak Street Townhomes to provide for the orderly and efficient enforcement of the Covenants.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE INDY OAK TOD METROPOLITAN DISTRICT:

1. The Board of Directors of the District hereby adopts the Amended and Restated Design Guidelines and Rules and Regulations of Oak Street Townhomes as described in **Exhibit A**, attached hereto and incorporated herein by this reference (“**Amended and Restated Design Guidelines and Rules and Regulations**”).

2. The Board of Directors declares that the Amended and Restated Design Guidelines and Rules and Regulations are effective as of August 10, 2018.

3. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

**[SIGNATURE PAGE FOLLOWS]**

[SIGNATURE PAGE TO RESOLUTION NO. 2021-05-03]

APPROVED AND ADOPTED this 17<sup>th</sup> day of May, 2021.

**INDY OAK TOD METROPOLITAN  
DISTRICT**

By: Jonnye Phifer

\_\_\_\_\_  
President

Attest:

Peggy Ripko

\_\_\_\_\_  
Secretary or Assistant Secretary

**EXHIBIT A**

**AMENDED AND RESTATED DESIGN GUIDELINES AND RULES AND  
REGULATIONS OF OAK STREET TOWNHOMES**

**AMENDED AND RESTATED  
DESIGN GUIDELINES  
AND  
RULES AND REGULATIONS  
OF  
OAK STREET TOWNHOMES**

Adopted by the Board of Directors of Indy Oak TOD  
Metropolitan District on May 17, 2021, and effective  
August 10, 2018

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# **1 INTRODUCTION**

## **1.1 Basis for Amended and Restated Design Guidelines and Rules and Regulations**

These Amended and Restated Design Guidelines and Rules and Regulations of Oak Street Townhomes (the “Guidelines”) are intended to assist Owners living in the Oak Street Townhomes community (the “Community”). Pursuant to the Covenants and Restrictions of Oak Street Townhomes, recorded at Reception No. 2018073655 and that Technical Amendment to Covenants and Restrictions of Oak Street Townhomes recorded at Reception No. 2020091406 (collectively, the “Covenants”), the Developer and/or the Metropolitan District is authorized to adopt design guidelines, rules, and regulations for the Community.

## **1.2 Definitions**

All capitalized words and phrases used in these Guidelines have the meaning provided in the Covenants unless otherwise defined herein.

## **1.3 Contents of Guidelines**

In addition to the introductory material, these Guidelines contain (A) a summary of procedures for obtaining approval from the ARC (see Section 2); and (B) a listing of specific types of improvements that Owners might wish to make with specific information as to each of these types of improvements (see Section 3).

## **1.4 Architectural Review Committee or Representative**

The ARC consists of person(s), representatives or a committee appointed to review requests for approval of architectural or site changes.

## **1.5 ARC Contact Information**

The contact information of the ARC, persons, committee or representative authorized to administer the architectural review process is:

COMPANY NAME	OFFICE	ADDRESS	E-MAIL
Special District Management Services, Inc. Attn: Peggy Ripko	(303) 987-0835	141 Union Blvd, Ste. 150 Lakewood, CO 80228	pripko@sdmsi.com

## **1.6 Effect of Covenants**

The Covenants govern the Community. Each Owner should review and become familiar with the Covenants. Nothing in these Guidelines supersedes or alters the provisions or requirements of the Covenants and, if there is any conflict or inconsistency, the

Covenants will control.

### **1.7 Effect of Governmental and Other Regulations**

Use of property within the Community and any Improvements must comply with any applicable building codes and other governmental requirements and regulations. Owners are encouraged to contact Jefferson County (“County”) and the City of Lakewood (“City”) for further information and requirements for any Improvements they wish to make.

**APPROVAL BY THE ARC DOES 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.**

### **1.8 Interference with Utilities**

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

**Utility Notification Center of Colorado  
1-800-922-1987 or 811**

### **1.9 Goal of Guidelines**

Compliance with these Guidelines and the provisions of the Covenants will help preserve the inherent architectural and aesthetic quality of the Community. It is the responsibility of the ARC to ensure that all proposed Improvements meet or exceed the requirements of these Guidelines and to promote the highest quality design for the neighborhood. It is important that 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 far in creating an optimum environment, which will benefit all Owners. By following these Guidelines and obtaining prior written approval for Improvements to property from the ARC, Owners will be protecting their financial investment and will help ensure that Improvements to property are compatible with standards established for the Community. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Guidelines, the ARC’s interpretation shall be final and binding.

## **2 PROCEDURES FOR ARC APPROVAL**

### **2.1 General**

The procedures set forth in this Article 2 are intended to clarify the terms, provisions, and requirements of Article 2 of the Covenants. In the event of any conflict between these Guidelines and the Covenants, the terms of Article 2 in the Covenants shall control. As indicated in Section 3 of these Guidelines, there are some cases in which advance written approval of the ARC is not required so long as the Guidelines with respect to that specific type of Improvement are followed. In a few cases, as indicated in Section 3, specific types of Improvements are not permitted under any circumstances. In all other cases, including Improvements not included in Section 3, advance, or prior written approval by the ARC is required before an Improvement to property is commenced.

### **2.2 Drawings or Plans**

Owners are required to submit to the ARC: (a) a completed Architectural Review Request Form (“ARR”), which forms are available from the person or entity listed in Section 1.5; and, (b) complete plans and specifications, in duplicate, (said plans and specifications to show exterior design, height, materials, color, location of the structure or addition to the structure, plotted horizontally and vertically, location and size of driveways, general plan of landscaping, fencing, walls, windbreaks and grading plan, as well as such other materials and information as may be required), prior to commencement of work on any Improvement to property. In most 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 with dimensions and description will be sufficient. In the case of major Improvements, detailed plans and specifications prepared by a licensed architect may be required. Whether done by the Owner, or professionally, the following guidelines should be followed in preparing plans and specifications:

- A.** The plans and specifications should be done to scale and shall depict the property lines of your property and the outside boundary lines of the home as located on the property. If you have a copy of an improvement survey of your property obtained when you purchased it, this survey would be an excellent base from which to start.
- B.** Existing Improvements, in addition to your home, should be shown on the plans and specifications and identified or labeled. 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. For example: Redwood deck, ten (10) feet by twelve (12) feet with two inch by four inch (2”x4”) decking and natural stain.
- C.** The plans and specifications and other materials should include the name of the Owner, the address of the home, the lot, block and filing number of the Lot or Unit, and the e-mail address and telephone number where the Owner can be reached.

- D. The proposed Improvements must take into consideration any existing easements, building location restrictions and sight distance limitations at intersections.
- E. Owners should be aware that many Improvements require a permit from the County, City, or other governmental entity in addition to ARC approval. The ARC reserves the right to require a copy of such permit as a condition of its approval. Approval by the ARC is not approval by any other entity.
- F. In some instances, elevation drawings of the proposed Improvement will be required. The elevation drawings should indicate materials.
- G. Photographs of existing conditions and of proposed materials and colors are encouraged to be included, and are helpful to convey the intended design, but should not be used solely to describe the proposed changes.

### **2.3 Submission of Drawings and Plans**

Two copies of the plans and specifications (minimum acceptable size 8.5" x 11") must be submitted to the ARC along with a completed ARR. Color photographs, brochures, paint swatches, etc. will help expedite the approval process. Specific dimensions and locations are required.

A submittal fee of \$50.00 is required with each proposal. Any additional costs incurred by the ARC for review of 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 ARC in reviewing any submission will be assessed to the Owner requesting approval of the submission.

### **2.4 Action by ARC**

The ARC reviews plans as they are submitted for approval. The ARC 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 ARC will act upon all requests in writing within forty-five (45) days after the complete submission of plans, specifications, and other materials and information as requested by the ARC. If the ARC fails to review and approve in writing (which may be with conditions and/or requirements) or disapprove, any request for architectural approval within forty-five (45) days after the complete submission of the plans, specifications, materials and other information with respect thereto, such request is deemed approved by the ARC.

### **2.5 Revisions and Additions to Approved Plans**

Any revisions and/or additions to approved plans made by the Owner or as required by any governmental agency, must be re-submitted for approval by the ARC. The revised plans must follow the requirements as outlined above.

## **2.6 Completion of Work**

After approval (which may be with conditions and/or requirements) of any proposed Improvement by the ARC, the proposed Improvement shall be completed and constructed as promptly and diligently as possible, and in complete conformity with all conditions and requirements of the approval. Failure to complete the proposed Improvement within one year from the date of the approval or such other date as may be set forth in the approval or as set forth in the Covenants (the “Completion Deadline”), shall constitute noncompliance; provided, however, that the ARC may grant extensions of time to individual Owners for completion of any proposed Improvements, either (a) at the time of initial approval of such Improvements, or (b) upon the request of any Owner, provided such request is delivered to the ARC in writing and the Owner is diligently prosecuting completion of the subject Improvements or other good cause exists at the time such request is made.

Upon the completion of an Improvement, the Owner shall give a written “Notice of Completion” to the ARC. Until the date of receipt of such Notice of Completion, the ARC shall not be deemed to have notice of completion of any Improvement on which approval (which may be with conditions and/or requirements) has been sought and granted as provided in this Article.

## **2.7 Inspection of Work**

The ARC, or its duly authorized representative, shall have the right to inspect any Improvement at any time, including before, during, or after completion, in order to determine whether or not the proposed Improvement is being completed or has been completed in compliance with the approval granted pursuant to this Section. Such right of inspection terminates ninety (90) days after the ARC has received a Notice of Completion from the Owner and no action has been initiated by the ARC. The 90-day period to perform inspections after the ARC has received a Notice of Completion does not apply to or limit the right or authority of the ARC or the Board to enforce the Covenants or these Guidelines, including, but not limited to, the requirements pertaining to the maintenance of Improvements.

## **2.8 Notice of Non-Compliance**

If, as a result of inspections or otherwise, the ARC determines that any Improvement has been done without obtaining all required approvals (which may be with conditions and/or requirements), or was not done in substantial compliance with the approval that was granted, or has not been completed by the Completion Deadline, subject to any extensions of time granted pursuant to Section 2.6, then the ARC shall notify the Metropolitan District, and the Metropolitan District shall then notify the applicant in writing of the non-compliance (the “Notice of Non-Compliance”). The Notice of Non-Compliance shall specify the particulars of the non-compliance. Such notice of non-compliance must be given not later than sixty (60) days after (as applicable): (a) the ARC receives a Notice of Completion from the applicant; or (b) the ARC discovers any such

non-compliance.

## **2.9 Correction of Non-Compliance**

If the ARC determines that a non-compliance exists, the Person responsible for such non-compliance shall remedy or remove the same within not more than forty-five (45) days from the date of receipt of the Notice of Non-Compliance. If such Person does not comply with the ruling within such period, the ARC shall notify the Metropolitan District, and the Metropolitan District may, at its option and if allowed by applicable law, record a notice of non-compliance against the property on which the non-compliance exists, may impose fines, penalties, and interest, may remove the non-complying Improvement, or may otherwise remedy the non-compliance in accordance with the Covenants and applicable law. The Person responsible for such non-compliance shall reimburse the Metropolitan District, upon demand, for all costs and expenses, as well as anticipated costs and expenses, with respect thereto.

## **2.10 Amendment**

These Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, and modified, reenacted, or otherwise changed by the ARC, with the approval of the Person authorized to appoint the ARC, as changing conditions and/or priorities dictate, in accordance with the Covenants.

## **2.11 Questions**

If you have any questions about the foregoing procedures, feel free to call the ARC at the phone number and address listed in Section 1.5 of these Guidelines.

# **3 SPECIFIC TYPES OF IMPROVEMENTS / SITE RESTRICTIONS**

## **3.1 General**

The following is a listing, in alphabetical order, of a wide variety of specific types of Improvements which Owners typically consider installing, with pertinent information as to each. Unless otherwise specifically stated, drawings or plans for a proposed Improvement must be submitted to the ARC and written approval of the ARC obtained before any Improvements are made. In some cases, where it is specifically so noted, an Owner may proceed with the Improvements without advance approval if the Owner follows the stated guideline. In some cases, where specifically stated, some types of Improvements are prohibited. ARC review and approval is required on any external items not specifically listed below.

### **3.1.1 Variances**

Approval of any proposed plans by the granting of a variance from compliance with any of the provisions of these Guidelines is at the sole discretion of the ARC when circumstances such as topography, natural obstructions, unreasonable hardship, aesthetic, or environmental

considerations may require, as outlined in the Covenants. Any such variance granted is limited to the specific property, provision, and instance covered by the variance, and does not waive any of the terms and provisions of the Covenants or these Guidelines as to any other Owner, Lot, or Unit.

### **3.1.2 No Unsightliness**

No unsightly conditions, structures, facilities, equipment, or objects shall be so located on any Unit and/or Lot as to be visible from a street or from any other Unit and/or Lot.

### **3.1.3 Waivers; No Precedent**

The approval or consent of the ARC to any application for approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent as to any application or other matters whatsoever, as to which approval or consent may subsequently or additionally be required. Nor shall any such approval or consent be deemed to constitute a precedent in any other matter.

### **3.1.4 Liability**

The ARC and the members thereof shall not be liable in damages to any person submitting requests for approval or for any approval, or failure to approve or disapprove in regard to any matter within its jurisdiction. The ARC shall not bear any responsibility for ensuring structural integrity or soundness of approved construction or modifications, or for ensuring compliance with applicable building codes and other governmental requirements. The ARC will not make any investigation into title, ownership, easements, rights-of-way, or other rights appurtenant to property with respect to architectural requests and shall not be liable for any disputes relating to the same.

## **3.2 Additions and Expansions**

Additions or expansions will not be permitted.

## **3.3 Address Numbers**

Approval is required to replace, alter, or relocate existing address numbers, unless the address numbers are replaced using the same style, color, and type of number currently on the residence.

## **3.4 Air Conditioning Equipment**

Approval is required for all air conditioning equipment including evaporative coolers (swamp coolers) and attic ventilators installed after the initial construction.

Approval is not required for replacement of existing air conditioning equipment with like equipment located in the same location as the equipment being replaced.

No heating, air conditioning, air movement (e.g., swamp coolers) or refrigeration equipment shall be placed or installed on rooftops, or extended from windows. Ground mounted or exterior wall air conditioning equipment installed in the side yard must be installed in a manner so as to minimize visibility from the street and minimize any noise to adjacent property Owners.

### **3.5 Animals**

No animals, livestock (pigs, cattle, horses, goats, lamas, etc.), birds, poultry, reptiles or insects of any kind may be raised, bred, kept or boarded in or on the Units except as permitted by, and in compliance with, the ordinances of the City. An Owner's right to keep household pets is coupled with the responsibility for collecting and properly disposing of any animal waste and to pay for all damage caused by such pets.

### **3.6 Antennae/Satellite Dishes**

#### **3.6.1 General Provisions**

"Permitted Antennas" are defined as (a) an antenna that is less than one meter in diameter and is used to receive direct broadcast satellite service, including direct-to-home satellite services, or is used to receive or transmit fixed wireless signals via satellite; (b) an antenna that is less than one meter in diameter and is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services or is used to receive or transmit fixed wireless signals other than via satellite; (c) an antenna that is designed to receive broadcast television broadcast signals; or (d) other antennas that are expressly permitted under applicable federal statutes or regulations. In the event a Permitted Antenna is no longer expressly permitted under applicable federal statutes or regulations, such antenna will no longer be a Permitted Antenna for purposes of this Section. Installation of Permitted Antennas shall not require the approval of the ARC.

**A.** All Permitted Antennas shall be installed with emphasis on being as unobtrusive as possible to the Community. To the extent that reception is not substantially degraded or costs unreasonably increased, all Permitted Antennas shall be screened from view from any street and nearby Lots to the maximum extent possible, and placement shall be made in the following order of preference:

- (1) Inside the structure of the house, not visible from the street
- (2) Rear yard or side yard, behind and below the fence line
- (3) Rear yard or side yard, mounted on the house, in the least visible location below roofline
- (4) Back rooftop
- (5) Front yard screened by and integrated into landscaping

**B.** If more than one (1) location on the property allows for adequate reception



without imposing unreasonable expense or delay, the order of preference described above shall be used, and the least visible site shall be selected.

- C. Permitted Antennas shall not encroach upon common areas or any other Owner's property.

### **3.6.2 Installation of Antennae/Satellite Dishes**

- A. All installations must comply with all applicable building codes and other governmental regulations and must be secured so they do not jeopardize the safety of residents or cause damage to adjacent properties. Any installation must strictly comply with Federal Communications Commission guidelines.
- B. All Permitted Antennas shall be no larger, nor installed more visibly, than is necessary for reception of an acceptable signal.
- C. Owners are responsible for all costs associated with the Permitted Antenna, including but not limited to, costs to install, replace, repair, maintain, relocate, or remove the Permitted Antenna, or for any damage to any persons or property.
- D. All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Permitted Antennas, masts and any visible wiring may be required to be painted to match the color of the structure to which they are attached. The Owner should check with the installer/vendor for the appropriate type of paint.
- E. All other antennas, not addressed above, are prohibited.

### **3.7 Awnings**

Approval is required and Owners must comply with all requirements of the County and the City. Awnings should be an integral part of the house or patio design. The color shall be complimentary to the exterior of the residence.

See also Section 3.35, Overhangs/Sunshades/Awnings – Cloth or Canvas.

### **3.8 Balconies**

See Section 3.16, Decks.

### **3.9 Barbecue/Gas Grills**

Approval is required for all permanent or built-in structures. Approval is not required for portable units.

### **3.10 Basketball Backboards**

Basketball backboards are not permitted.

### **3.11 Birdbaths**

Birdbaths are not permitted.

### **3.12 Birdhouses and Bird Feeders**

Birdhouses and bird feeders are not permitted.

### **3.13 Carports**

Carports are not permitted.

### **3.14 Clothes Lines and Hangers**

Approval is not required, subject to the following limitations: Clotheslines may not be placed in any areas owned or maintained by the District. Fixed clotheslines and hangers are not permitted. Retractable clotheslines are permitted.

### **3.15 Cloth or Canvas Overhangs**

See Section 3.35, Overhangs/Sunshades/Awnings – Cloth or Canvas.

### **3.16 Decks**

Existing decks cannot be extended. Changing existing railings and/or balusters require approval. Repairs to existing decks with like materials do not require approval, but approval is required for deck replacement or changes to deck materials.

### **3.17 Dog Houses**

Dog houses are not permitted.

### **3.18 Dog Runs**

Dog runs are not permitted.

### **3.19 Doors**

Approval is not required for a replacement to an already existing exterior door 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 existing doors on the house. Complimentary colors would be the body, trim or accent colors of the

house or white (for storm/screen doors).

- A. Storm Doors. Approval is not required for storm doors as long as the door is complimentary with the color scheme of the home. Owners wishing to utilize a different color must first obtain approval.
- B. Security Doors and Windows. All security or security-type doors and windows must be approved prior to installation.

### **3.20 Drainage**

The Covenants require that there be no interference with the established drainage pattern over any property. Adverse effects to adjacent properties, including District lands, sidewalks, and streets, will not be tolerated.

### **3.21 Driveways**

Approval is required for any changes or alterations to driveways. Only clear sealant may be used on the driveway (no colors) and Owners will be required to maintain the driveways against oil spills, spalling, peeling, etc.

### **3.22 Evaporative Coolers**

Approval is required. No rooftop or window mount installations are allowed.

See also, Section 3.4, Air Conditioning Equipment.

### **3.23 Exterior Lighting**

See Section 3.32, Lights and Lighting.

### **3.24 Fencing**

Approval is required for all new fencing. Repairs to or replacement of existing fencing does not require approval so long as the color, style, and material used are the same as the existing fencing.

### **3.25 Fire Pits**

Fire pits are not permitted.

### **3.26 Flags/Flagpoles**

Approval is required for any freestanding flagpole; no pole can be placed in any areas owned or maintained by the District.

Approval is not required for flagpoles mounted to the front of the residence provided that

the flags displayed thereon (if other than an American Flag) are temporary in nature and are only displayed on holidays or in celebration of specific events. They must not be placed earlier than thirty (30) days prior to the start of the particular holiday/event or celebration and must be removed no later than thirty (30) days following the particular holiday/event or celebration. Under no circumstance may the height of the flagpole exceed the height of the roofline of the residence. Flag size cannot exceed five (5) feet in length and three (3) feet in width.

American Flags: Owners shall be permitted to display an American flag in accordance with the Federal Flag Code and as follows:

- A. The flag shall be no larger than three (3) feet by five (5) feet.
- B. The flag may be displayed in a window or from a flagpole projecting horizontally from a location on the front of the dwelling.
- C. Flags and/or flagpoles shall be replaced as necessary to prevent wear and tear.
- D. Flags may not be illuminated without prior written approval of the ARC. Any request for lighting must detail the type and location of lighting. Lighting shall be placed so as not to disturb Owners of neighboring Lots.

An Owner or resident may display a service flag bearing a star denoting the Owner's or resident's or his family member's active or reserve U.S. military service during a time of war or armed conflict. The flag may be displayed on the inside of a window or door of the home on the Lot. The flag may not be larger than nine (9) inches by sixteen (16) inches.

### **3.27 Grading and Grade Changes**

See Section 3.20, Drainage.

### **3.28 Hanging of Clothes**

See Section 3.14, Clothes Lines and Hangers.

### **3.29 Hot Tubs and Jacuzzis**

Hot tubs and Jacuzzis are not permitted.

### **3.30 Kennels**

Kennels are not permitted.

### **3.31 Landscaping**

Any change to the existing landscaping requires prior approval from the ARC.

### **3.32 Lights and Lighting**

Approval is not required for replacing existing lighting, including coach lights, with the same or similar lighting style and color as originally installed.

Approval is required to modify or add exterior lighting.

Approval is required to install spotlights, motion detector spotlights, floodlights, or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.).

- A. Considerations will include, but may not be limited to, the visibility, style and location of the fixture.
- B. Exterior lighting for security and/or other uses must be directed at the ground and house, whereby the light cone stays within the property boundaries and the light source does not cause glare to other properties (bullet type light fixtures are recommended).
- C. Ground lighting is only permitting in planting beds directly adjacent to front and/or back porch. Any damage caused will be repaired at Owner's expense.
- D. Holiday lighting and decorations do not require approval. It is required that they not be installed more than forty-five (45) days prior to the holiday. They shall be removed within thirty (30) days following the holiday.

### **3.33 Nuisances**

No nuisance is permitted which is visible within or otherwise affects any portion of the Property. A "nuisance" includes violation of Section 3.2 of the Covenants.

### **3.34 Ornaments/Art**

Not permitted in any areas owned or maintained by the District.

### **3.35 Overhangs/Sunshades/Awnings- Cloth or Canvas**

Approval is required. An overhang should be an integral part of the house or patio design. The color must be the same as, or generally recognized as, a complimentary color to the exterior of the residence. A swatch of material to be used must be provided with the review submittal.

### **3.36 Painting**

Approval is not required if color and/or color combinations are identical to the original manufacturer color established on the home and/or accessory improvement. Any changes to the color scheme must be submitted for approval and must conform to the general scheme of the Community.

### **3.37 Patios**

Existing patios cannot be extended. Changing existing railings and/or balusters requires approval. Replacement of existing patios requires approval.

### **3.38 Pipes**

Approval is required for all exterior pipes, conduits, and equipment. Adequate screening may also be required.

### **3.39 Poles**

See Section 3.26, Flags/Flagpoles.

### **3.40 Pools**

Wading/temporary pools are not permitted.

See also, Section 3.29, Hot Tubs and Jacuzzis.

### **3.41 Radio Antennae**

See Section 3.6, Antennae/Satellite Dishes.

### **3.42 Roofing Materials**

Approval is required for all roofing materials other than those originally used by the Builder. All buildings constructed on a Lot should be roofed with the same or greater quality and type of roofing material as originally used by the Builder.

Approval is not required for repairs to an existing roof with the same building material that exists on the building.

### **3.43 Satellite Dishes**

See Section 3.6, Antennae/Satellite Dishes.

### **3.44 Saunas**

Saunas are not permitted.

### **3.45 Screen Doors**

See Section 3.19, Doors.

### **3.46 Seasonal Decorations**

Approval is not required if installed on a lot no more than forty-five (45) days before a holiday, provided that an Owner is keeping with the Community standards, and provided that the decorations are removed within thirty (30) days after the holiday.

See also, Section 3.32, Lights and Lighting.

### **3.47 Security Devices.**

Approval is not required. Security devices, including cameras and alarms, must be selected, located, and installed to be an integral part of the house and not distract from the home's architecture and appearance. Cameras and housing sirens, speaker boxes, conduits, and related exterior elements should be unobtrusive and inconspicuous. Excepting doorbell cameras, such devices should be located where not readily visible and should be a color that blends with or matches the surface to which it is attached.

### **3.48 Shutters - Exterior**

Approval is required is required for any changes to the existing shutters. Shutters should be appropriate for the architectural style of the home and be of the appropriate proportion to the windows they frame. Shutters should be the same color as the "accent" color of the home (typically the same as the front door or other accent details).

### **3.49 Siding**

Approval is required. Considerations for the siding shall include, but not be limited to, material, color, style, and whether it is appropriate for the style of the home.

### **3.50 Signs**

Approval is not required for one (1) temporary sign advertising property for sale or lease or one (1) open house sign, which shall be no larger than five (5) feet in aggregate and which are conservative in color and style; one (1) yard/garage sale signs which is no larger than 36" x 48"; and/or burglar alarm notification signs, ground staked, or window mounted which are no larger than 8" x 8"

Political signs (defined as signs that carry a message intended to influence the outcome of

an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue) may be displayed within the boundaries of an Owner's or resident's Lot without approval. Political signs shall not exceed 36" by 48" in size. Political signs may be displayed no earlier than forty-five (45) days before and no later than seven (7) days after an election day.

Approval is required for all other signs. No lighted sign will be permitted unless utilized by the Developer and/or a Builder.

### **3.51 Solar Energy Devices**

Approval is required in order to review aesthetic conditions. Photovoltaic (PV) Solar panels must lay flat on the roof, meet all applicable safety, building codes and electrical requirements, including solar panels for thermal systems (solar water heaters). The ARC is allowed to request changes as long as they don't significantly increase the cost or decrease the efficiency of the proposed device and panels.

### **3.52 Sunshades**

See Section 3.35, Overhangs/Awnings – Cloth or Canvas

### **3.53 Swamp Coolers**

See Section 3.4, Air Conditioning Equipment and Section 3.22, Evaporative Coolers

### **3.54 Television Antennae**

See Section 3.6, Antennae/Satellite Dishes.

### **3.55 Trash and Recycling Containers**

Trash and recycling containers, including trash bags used for overflow trash, cannot be placed at the curb until the day preceding the trash pick-up and must be removed by the end of the day following trash pickup.

### **3.56 Vanes**

See Section 3.58, Weather Vanes and Directionals.

### **3.57 Vents**

Any new vents installed in the roof must be approved prior to installation. Approval is not required if replacing with a vent of like color and style.



### **3.58 Weather Vanes and Directionals**

Approval is required.

### **3.59 Wind Electric Generators**

Approval is required and they cannot be placed on common area. In addition to ARC approval, windmills, and any other type of fixture, which fall under the criteria of a wind generator, or are used to generate power etc., must meet the requirement of the C.R.S. § 40-2-124 and any applicable regulations of the Colorado Public Utilities Commission. Any wind electric generator must be installed by a licensed contractor.

### **3.60 Windows Replacement**

Approval is not required if replacing with windows of like color and style. Approval is required if color or style is changing. Considerations will include, but may not be limited to, size, color, existing and proposed window style and style of home.

### **3.61 Windows: Tinting, Security Bars, Well Covers, etc.**

Approval is not required for window well covers that are manufactured with metal or plexiglass. All others will require ARC approval.

Approval is required for any visible window tinting. Highly reflective and/or dark tinting is considered too commercial for residential applications and is not permitted.

Approval is required for security bars and may not be approved on second story windows and other windows visible to the street.

*Remainder of page intentionally left blank.*

**APPENDIX A: Architectural Review Request Form**

**ARCHITECTURAL REVIEW REQUEST FORM**

Oak Street Townhomes  
141 Union Blvd., Suite 150  
Lakewood, CO 80228  
303-987-0835

FOR OFFICE USE ONLY

Date Received \_\_\_\_\_  
Crucial Date \_\_\_\_\_

HOMEOWNER'S NAME(S): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_  
PHONE(S): \_\_\_\_\_

My request involves the following type of improvement(s):

- Landscaping                       Deck/Patio Slab                       Roofing                       Painting
- Other:

Include two copies of your plot plans, and describe improvements showing in detail what you intend to accomplish (see Article 2 of the Amended and Restated Design Guidelines and Rules and Regulations of Oak Street Townhomes). Be sure to show existing conditions as well as your proposed improvements and any applicable required screening. Example: if you will be building a storage shed, be sure to indicate lot size, fence locations, dimensions, materials, any landscape, or other screenings, etc. (see the Guidelines for requirement details for your specific proposed Improvement).

I understand that I must receive approval from the ARC in order to proceed with installation of Improvements if Improvements vary from the Guidelines and Regulations or, are not specifically exempt. I understand that I may not alter the drainage on my lot. I understand that the ARC is not responsible for the safety of Improvements, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations, and that I may be required to obtain a building permit to complete the proposed Improvements. The ARC and the members thereof, as well as the District, the Board of Directors, or any representative of the ARC, shall not be liable for any loss, damage or injury arising out of or in any way connected with the performance of the ARC for any action, failure to act, approval, disapproval, or failure to approve or disapprove submittals, if such action was in good faith or without malice. All work authorized by the ARC shall be completed within the time limits established specified below, but if not specified, not later than one year after the approval was granted. I further understand that following the completion of my approved Improvement the ARC reserves to right to inspect the Improvement to determine whether the proposed Improvement has been completed and/or has been completed in compliance with this Architectural Review Request.

Date: \_\_\_\_\_ Homeowner's Signature: \_\_\_\_\_

**ARC Action:**

- Approved as submitted
- Approved subject to the following requirements:
  
- Disapproved for the following reasons:

All work to be completed no later than: \_\_\_\_\_

DRC/ARC Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SUBMITTAL FEES- \$50

<b>TITLE</b>	Rules & regs
<b>FILE NAME</b>	Indy Oak Re... PEARSO.pdf and 1 other
<b>DOCUMENT ID</b>	90a33d7a6e26da40ed9a863df1c48fb1452c986d
<b>AUDIT TRAIL DATE FORMAT</b>	MM / DD / YYYY
<b>STATUS</b>	● Completed

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## Document History



SENT

**05 / 18 / 2021**  
17:00:23 UTC

Sent for signature to Jonnye Phifer (jonnye.phifer@gmail.com) and Peggy Ripko (pripko@sdmsi.com) from pripko@sdmsi.com  
IP: 50.78.200.153



VIEWED

**05 / 18 / 2021**  
17:07:20 UTC

Viewed by Peggy Ripko (pripko@sdmsi.com)  
IP: 50.78.200.153



SIGNED

**05 / 18 / 2021**  
17:07:36 UTC

Signed by Peggy Ripko (pripko@sdmsi.com)  
IP: 50.78.200.153



VIEWED

**05 / 18 / 2021**  
17:50:39 UTC

Viewed by Jonnye Phifer (jonnye.phifer@gmail.com)  
IP: 67.190.32.82



SIGNED

**05 / 18 / 2021**  
17:51:32 UTC

Signed by Jonnye Phifer (jonnye.phifer@gmail.com)  
IP: 67.190.32.82



COMPLETED

**05 / 18 / 2021**  
17:51:32 UTC

The document has been completed.

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