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POND ARCHITECTURAL GUIDELINES **(Revised August 2007)**

HISTORY

The Pond Subdivision was developed by Writer Homes in 1973. It was developed as a Covenant Controlled Community and Writer established the Pond Homeowners Association for the purpose of maintaining and administering community properties as well as administering and enforcing the Covenant and its restrictions. Within the Covenants there is a provision for an Architectural Review Committee (ARC).

PURPOSE:

The purpose of the Association, Covenants and the ARC is to maintain the beauty and quality of the neighborhood by assuring that properties conform to and harmonize with the existing structure in which we have chosen to live. By working together, the homeowners can continue to keep home values high and their properties desirable.

GOAL:

It is the goal of the ARC to represent community needs in reviewing all proposed repairs, changes to exteriors and landscaping. This is to insure that repairs, changes and additions are consistent and harmonious with the subdivision as a whole.

IMPLEMENTATION:

Implemented is accomplished in two ways. First, as described in the following details, the ARC provides approval reviews throughout the year for new and/or changing features homeowners plan to make on individual properties. Secondly, the ARC conducts an annual Spring Walk Through to identify individual properties not in compliance with these criteria. Violation notices are sent to homeowners noting corrective action to be taken.

The ARC is made up of a group of Pond homeowners who are appointed by the Board of Directors and volunteer their time to review and approve according to these guidelines architectural and landscape improvement requests. ***Please remember, it is not the intent of the ARC to deny requests or prevent freedom of expression, but rather to assure that the neighborhood in which we all reside continues to be appealing.*** By doing so, our property values continue to increase and remain appealing in the real estate market. The ARC is appointed and serves under the authority of the Board of Directors for the Pond HOA and the Pond Covenants. Final authority regarding any disputes or disagreements lies with the Board of Directors.

It is by the authority of the Covenant, Article VIII, Section 5 that the ARC approves, amends, or denies a request. These requests are to be submitted by the homeowner to the management company so that a record is created. ***Failure to comply with the Covenants (ARC Rules & Regulations) is a violation and will result in fines and/or a civil action against the property owner.***

Each homeowner should have received a copy of the Declarations and Restrictions, Covenants and By-Laws at the closing purchase of their property. If you did not, please contact the Real Estate Licensing Authority to report the oversight. One may obtain a copy of the aforementioned documents from the Pond Homeowners Association management company. The management company's contact information may be obtained from the front page of the *Ponderings*, The Pond HOA newsletter or from our website thepond-hoa.org.

To assist you in your project, the following guidelines have been established. Please review the appropriate section(s) prior to submitting your request.

BEFORE BEGINNING YOUR PROJECT:

Design Review Application:

One can obtain an ARC Design Review Application by two (2) methods. The first is to contact our current property managers. The second is to download it from our website, thepond-hoa.org and click on forms.

October through April the ARC will meet only on the second Tuesday of the month. From May through September meetings will be held on the 2nd & 4th Tuesdays of each month at the Clubhouse, 7 o'clock PM.

Project Information:

Please complete each section of the Design Review Application completely. This includes your name, address & address location of the project, phone number(s) and email address.

Please describe your request in detail and attach all appropriate documentation, including but not limited to *earth tone paint color samples, permits when required, drawing(s), material to be used, landscape plans and architectural renderings etc....* Failure to attach appropriate documentation only slows the approval process.

Project Description:

Describe in detail the proposed improvement (i.e. repaint, landscape, install deck etc.)

Detailed description of materials to be used; color samples, type of material(s) etc.

Plan or overhead view drawing to scale include property lines, fences & house location

Elevation view of installation project if appropriate

Landscape should include location of proposed plant material(s) in relation to the house and property lines.

Required Approvals and Design Criteria:

The importance of clearly defined drawings and color samples cannot be over emphasized to expedite the ARC's review of your request. If the application is deemed incomplete by the ARC, it will be returned to the homeowner for additional information. The ARC does not provide oversight or monitor the project after approval.

Applicants must comply with all City, County, State and Federal regulations when appropriate. Where work requires access through an adjacent property, agreement/approval must be obtained from the appropriate civic authority, homeowner(s) and/or the Pond HOA to restore and safeguard the adjoining property(s). This includes obtaining easement access. **Approval by the ARC does not imply or guarantee compliance with any governmental laws, regulations or existing easements.**

Before digging contact "Utilities Locate" @ 800-922-1987.

If your request is not approved by the ARC, the first step is to resubmit after modification is completed based on any explanation from the ARC. If your request is again denied and you desire an additional viewpoint, an appeal may be made to the Board of Directors for further consideration.

Workmanship:

Workmanship is another standard which is applied to all exterior alterations. The quality of work should be equal or better than that of the surrounding area. Poor practices, besides causing owner problems, can also cause safety hazards. The Pond HOA assumes no responsibility for the safety of construction by virtue of design or workmanship.

Timing:

Projects which remain uncompleted for long periods of time are visually objectionable and can be a nuisance and safety hazard for your neighbors and the entire community. Proposals must include start and completion dates. Projects must be completed within ninety (90) days from commencement unless an extension of time has been approved in writing by the ARC or the Board of Directors.

INDEMNIFICATION:

The applicant agrees to indemnify and hold harmless the ARC and the Pond Homeowners Association from any and all claims, causes of action or damages which arise due to Applicant's completion of the alteration or improvement submitted to the ARC.

Where the Covenants and Guidelines differ in requirement or procedure, the restrictive document shall apply. Where the two are contradictory, the Covenants shall prevail.

The following sections describe the guidelines on which individual requests will be evaluated for a various improvements. With exception of repainting, requests for approval are not required for maintenance which is required as normal upkeep of one's property. Repainting approval is required due to the fact that the existing colors may not have been originally approved or may have been approved in error. If there is doubt as to whether an approval is required, one should submit a request to ensure compliance with the Covenants. **If any unapproved modification(s) are made and is not viewed as normal maintenance or does not comply with the Covenants, the Board of Directors may require remediation.**

EXTERIOR PAINTING:

All exterior paint including sheds and outbuildings must be approved. Only **earth tone colors** are acceptable and shall harmonize with the other approved earth tone color schemes throughout the community. Painting the exterior must include colors for the base (field), trim, shutters, gutters, doors, etc. and should be performed when flaking, peeling, or fading when first observed. All paint work must be painted as soon as possible in colors which match the rest of the house. *Painting, staining or otherwise altering the appearance of the exterior brickwork is strictly prohibited.*

Colors:

The Pond HOA was established with the idea in mind that a covenant controlled community would be a desirable location to live and raise a family. By maintaining the basic **earth tone colors** in which this community was established our property values continue to escalate. Earth tones do not go out of style. Please include paint samples naming the manufacturer, the color code number and name of each sample. Roof exhaust and vent pipes should be painted as needed to be inconspicuous. Adjacent houses should not be painted the same colors and color scheme.

ARC Approval Required: All painting requests must be approved by the ARC even if one is repainting the existing house colors.

ARC Not Required: Painting of emergency repairs with colors matching the existing approved colors of the structure are not generally required. For example painting replaced, broken or damage to house trim or siding.

ADDITIONS:

Room additions to the home can provide useful and valuable extra space. Careful planning with the help of an architect and a qualified contractor can help to avoid problems. The appearance, scale, workmanship and materials of the addition must be consistent with the existing house. All applicable code, permits and governmental regulations must be complied with in the construction process. **No structure that exceeds a height of twenty-five (25) feet shall be built on any lot.**

ARC Approval Required: Any addition, extension, or modification involving the exterior appearance or function of the existing house must have ARC approval before beginning construction. Detailed drawings, architectural renderings to scale of the proposed work which will be submitted for approval to the appropriate regulatory agency must also accompany the ARC request form.

EXTERIOR SIDING AND TRIM:

The exterior appearance of residences with the Pond will significantly add to its continued charm and appeal. Any repair or addition must closely approximate the original architectural style quality, workmanship, material selection and construction detailing. Vinyl siding and metal trim in **earth tone colors** are now authorized with the approval of the ARC.

ARC Approval required: Any work which alters the original appearance or function of the existing structure must requested and approved before construction begins.

ARC Approval Not Required: Any emergency repair work does not require approval provided it conforms to the requirements stated above.

DOORS: Garage, Storm, Entry and Security:

ARC Approval Required: It is essential that design continuity of exterior doors be preserved so as to maintain the consistent overall community theme. Therefore, windows within garage doors are not authorized. Garage doors must be painted either the same the field color or trim color of the house. Accent colors are not acceptable. Garage door materials must be made of wood or metal. *Transparent materials and synthetics are unacceptable.*

ARC Approval Not Required: Repair of existing damaged or malfunctioning doors does not require approval if appearance, material, workmanship and approved color are not altered.

WINDOWS AND SCREENING:

ARC Approval Required: Replacement windows including frames and/or glass which differ from the original in appearance, material, or color must receive prior approval. Use of insect screening in any color other than black or charcoal is not permitted or acceptable.

ARC Approval Not Required: Damaged or malfunctioning windows do not require approval if replaced with windows which are similar in appearance, material, workmanship, and color. Replacement of insect screening in black or charcoal colors does not require approval.

ROOFING; MATERIALS & ALTERATIONS:

The original construction of roofs in The Pond were made of both composite and cedar shake shingles. The rising concerns about fire safety, hail damage, declining cedar shake quality and insurance coverage have made it necessary for consideration of alternative roofing materials. Advanced technology has provided many new products which meet the basic standards, quality and guidelines for roofs in the community.

The Pond HOA does not endorse any product or manufacturer; however certain product have been identified which provide an acceptably pleasing appearance which is consistent with the look of the community. Homeowners are encouraged to have a professional evaluation of their structure prior to installing any product which could result in increased load on the structure. Additionally, it is suggested that homeowners consult their insurance carrier to discuss new products which may qualify for homeowner premium discounts.

ARC Approval Required: Any roof replacement either with like or alternative products MUST be approved by the ARC in advance. *Additions, sheds & patio roofs must exactly match the material of the main roof of the home.*

ARC Approval Not Required: Maintenance or patch repair to isolated shingles does not require approval as long as the exact same material is used to match the remainder of the roof.

DRIVEWAY AND WALKWAYS:

ARC Approval Required: Altering, adding or removing any driveway or walkway requires advanced ARC approval. *Painting, staining and colored concrete etc, is not permitted.*

ARC Approval Not Required: Maintenance or repair of existing driveways or walkways does not require approval. However like materials must be used. Homeowners are encouraged to remove unsightly stains and keep their driveways and walkways in good condition.

FENCING:

All fences shall be constructed of wood. Painting or staining is prohibited. However, the use of oils and wood preservatives is acceptable to maintain a pristine appearance. Fencing must be six (6') in height and no higher and the picket must be either four (4") or six (6") inches in width and may be either square topped or dog eared. New Cluster model homes may have the choice of either a six (6') foot or three (3') privacy fence that faces a common area. *Lattice fencing facing a common are is prohibited.*

No privacy fence is permitted closer to the street than the front of a home. Split rail fences must be constructed to match and be maintained per their original construction and

installation location. Removal of any split rail fencing is subject to ARC approval and possibly approval from the City of Arvada. Chain link fencing may be used *only* in back yards and will not extend higher than six (6') feet.

ARC Approval Required: The alteration of any fence facing a common area or ally or the addition of gate(s) requires ARC approval.

ARC Approval Not Required: Repair or maintenance which does not alter the appearance, function location or integrity of the fence does not require ARC approval.

DECKS, PATIOS & HOT TUBS:

Location, size and privacy for the construction of any new deck, patio or hot tub must be considered. A neighbor's privacy and view must be considered. Generally, the walking surface of a deck or patio must not extend above the floor level on the first story of the house. Second floor decks are discouraged and would only be considered under special circumstances. If the deck is painted it must match exactly the same color of the house or be protected with a clear finish. However, new synthetic deck materials i.e. "Trex" and other types of decking may be acceptable upon ARC approval. *No corrugated metal or fiberglass patio or deck roofs are permitted.* The exterior construction of a hot tub must match the deck construction. Due to special circumstances which may exist, professional installation of any hot tub is encouraged and advised. Approval by City, County or State regulations may also require approval.

ARC Approval Require: ARC approval is required for all, decks, patios and hot tubs.

ARC Approval Not Required: Generally, the repair and maintenance of an existing deck, patio or hot tub does not require ARC approval provided the size; design and materials used in the repair are consistent with the original construction.

LANDSCAPING, STATUARY & OTHER DECORATIONS:

Plant life and trees must be appropriate to the local climate and require less water and should be in scale with the architecture of the community. Mulches or non-living ground covers must be natural in color and scale with the planted area. Planting shrubs and trees at street intersections is discouraged because they can obstruct vision for both pedestrians and drivers. Pruning trees and shrubs as necessary along walks is required to allow unobstructed passage. The addition, modification or removal of a retaining wall may significantly alter existing drainage patterns and must be approved by the ARC.

ARC Approval Required: All landscaping changes require ARC approval. A scale drawing plan depicting all features of the existing property and the proposed additions are required. This includes all necessary dimensions, indicating mulch type and

size, and location of all plant life to be used. Lawn and garden ornamentation is very personal. The use of driftwood, wagon wheels, animal skulls, statuary, wind mills and similar ornamentation requires ARC approval.

ARC Approval Not Required: Replenishing mulch, replacing dead or dying ground cover, trees, shrubs and sod or replacing planter edging generally do not require approval if they are replaced with similar materials. Pruning trees and shrubs to maintain shape and control size is encouraged. Vegetable gardens are permitted within fenced backyards provided they are not a nuisance to neighbors. Odors from compost heaps and fertilizer storage must be controlled.

Common Greenbelt Areas: The Pond HOA through contract with a landscape company is responsible for maintaining the Common Areas of the community. These areas are owned and maintained by the Association. The Association is responsible for trees, shrubs, lawn and planted areas. Additionally this responsibility includes rock beds, sprinklers, fencing and some drainage systems. Damage or removal of fences and/or other Association property may result in fines and/or costs of repair or replacement to be borne by the homeowner. Questions regarding issues concerning common property must be directed to the Management Company, or the Board of Directors.

AWNINGS:

Exterior awnings of any style, size or material are not permitted adjacent to any window or door. Awnings used as a roof for a patio or deck cover require a ARC approval.

SKYLIGHTS:

Skylights must be complementary to the scale and architecture of the home.

ARC Approval Required: ARC approval is required for the installation of any supplemental skylight or roof window.

ARC Approval Not Required: ARC approval is not required for repair or replacement of damaged skylights or roof windows, provided they are the same size, design and quality.

SOLAR COLLECTOR PANELS:

Installation of solar panels and related equipment must be constructed to appear as an integral part of the building architecture. Generally this means that the panels must be roof-mounted so the top surface is flush with the roof surface and all related equipment recessed into the structures attic. When solar orientation prohibits the aforementioned approach, the roof must be altered so that the panels appear 'built-in' i.e. sides and bottom of the panels and any piping must not be visible. If the panels are ground or wall mounted, they must be integrated into a structure using compatible materials so that the panels appear as a natural extension of the home.

ARC Approval Required: ARC approval is required for an new solar panel installation.

ARC Approval Not Required: ARC approval is not required for repair, maintenance or replacement of these units providing appearance, quality and installation are similar.

EXTERIOR LIGHTING:

Exterior lighting can be useful for both aesthetic and safety. The light must be compatible with its surroundings and not create an annoyance to adjacent properties. Neon, flashing or strobe type lights, colored or high intensity lighting are not permitted.

ARC Approval Required: All exterior lighting such as post lights, spot lights, low voltage landscape lighting etc. requires ARC approval

ARC Approval Not Required: ARC approval is not required for repair or replacement of existing exterior lighting providing appearance, quality, light intensity and installation are similar. Temporary holiday lighting does not require approval. *However, holiday lighting must be removed within fourteen (14) days after the holiday has passed.*

PLAYGROUND EQUIPMENT AND BASKETBALL BACKBOARDS:

Playground equipment may be installed within a fenced backyard but requires ARC approval. All playground equipment must be of an appropriate scale and of approved safety and color materials. In any new installation consideration must be given to the location and size so as not to compromise a neighbor's privacy or view.

Basketball backboards also require ARC approval. The use of homemade basketball backboards is generally unacceptable. Any equipment used outdoors, such as weight lifting benches etc. must be adequately screened from public and neighboring view by appropriate and approved means. Volleyball and badminton nets etc. must be removed and store as soon as practicable after use if not screened from view.

SATELLITE RECEIVING DISHES, ANTENNAE AND MAIL BOXES:

Satellite receiving dishes and antennae: The Pond HOA has adopted the following rules, regulations and restrictions for the installation and maintenance of exterior antennae which is in compliance with FCC Rule which became effective October 4, 1996. The installation of a satellite dish which is one (1) meter in diameter or less is acceptable with ARC approval *provided they are not installed on the roof of the home or garage.* No other type of transmitting or receiving antennae or similar equipment shall be mounted to the exterior of any home, garage or storage building, post or similar structure.

ARC Approval Required: ARC approval is required for installation of specific satellite receiving equipment including any supporting structure and installation location.

ARC Approval Not Required: ARC is not required for the repair and maintenance of any previously approved satellite dishes, provided its location, mounting etc. is not altered in any manner.

Mail boxes: A single receptacle of appropriate size and design for non-cluster homes for the purpose of containing articles of mail delivered by the U.S. Postal Service is required for each home. The height and placement adjacent to the street must meet U.S. Postal Service standards and regulations and mounted on a pole or post. Color must be compatible with the home. The use of other types of support i.e. brick columns, welded heavy chain etc. must be approved by the ARC.

ARC Approval Required: Any change in style and function which differs from is considered normal mailbox and its supporting structure requires ARC approval.

ARC Approval Not Required: Repair or replacement of existing mailboxes and their supporting structure does not require ARC approval.

STORAGE BUILDINGS:

Accessory building i.e. sheds and outbuildings are considered to be permanent structures and may be free-standing or attached to the house. Any shed or outbuilding must not exceed eight (8') feet, six (6") in height. Their design, including siding, roofing, trim, workmanship and finish must match exactly the color and materials of the home. All sheds, outbuildings and accessory structures must first comply with all governmental laws, regulations, codes and existing easements. *Structures made of metal, fiberglass, plastic, fiberboard or similar materials are strictly prohibited.*

ARC Approval Required: All storage type structures whether free-standing or attached to the house require ARC approval before construction commences. *Detailed scaled drawings of the proposed structure must accompany the ARC request form.*

ARC Approval Not Required: Repair and maintenance does not require approval provided the size, appearance, workmanship and materials are not altered.

SCREENING OF REFUSE CONTAINERS, FIREWOOD, ETC.

The storage of trash receptacles and bulk materials such as plant mulch, firewood, bags of lawn fertilizer, etc. must be effectively concealed and screened from public and private view. They may be stored inside the garage, an approved storage structure or behind fencing. Trash containers may not be placed at the curb or in the alley of cluster homes more than twenty-four (24) hours in advance of the scheduled pickup time. Additionally, empty trash containers must be returned to their storage location within twenty-four (24) hours after pickup. Because of the possibility of unexpected high winds and roaming domestic and non domestic animals, it is essential that all trash containers, recyclables

etc. be adequately secured. Any material used for approved landscaping or remodeling does not require screening while work is in progress. Cleanup of the area immediately upon completion of a project is required.

MISCELLANEOUS ITEMS:

Vehicle Parking and Storage: Only personal use, properly licensed vehicles belonging to an owner or guest may be permitted to park within the confines of Pond HOA property which is adjacent to your home. *Parking vehicles in an area that is not located adjacent to your home is prohibited as it disallows others from the convenience of parking near their homes.* Other vehicles, such as but not limited to motorcycles, boats, trailers, commercial vehicles, motorhomes, campers, pickup trucks with camper bodies etc. must be stored in garages, in screened areas, by ARC approved means or parked off site. (Official Designated Emergency Response Vehicles are exempt). Loading, unloading, cleaning, maintaining or repairing is permitted in the garage or on the driveway, but must not exceed forty-eight (48) hours in duration. Vehicles may not be parked on landscaped or grassy area. No vehicle may be parked which impedes or obstructs ready access for an **emergency vehicle**, to a sidewalk, to any ally, drive or street, or any portion of the community.

Commercial Use of Property: Business activities which generate extraordinary traffic, noise, odor etc. are not permitted within the Pond HOA property or residences. The use of Pond HOA or residence property may not be used for industrial purposes to include but not limited to; machine shops, welding shops, vehicle repair shops etc.

Garage Sales: Garage sales are permitted and must not include items purchased for resale. The sales may not be longer than three (3) days in duration and may not be conducted more frequently than twice per calendar year.

Pets: Only domestic pets such as dogs and cats are permissible. Pet owners within the Pond HOA community are responsible for compliance with applicable City of Arvada animal ordinances. The pet owners must insure that ensure that neighbors are not subjected to an unreasonable amount of noise and/or odor. *Additionally, all pets on or about the Pond HOA property must remain on a leash at all times or be secured within ones private property or residence.* Animals may not be used for commercial purposes.

Livestock and Poultry: The keeping of livestock or poultry is strictly prohibited.

Dog Houses and Dog Runs: Outdoor structures for the housing, confinement and exercising of dogs is permitted provided they are compatible with the architecture of the house and adequately screened from public and neighboring view. The use of chain link fencing is permissible within the confines of ones backyard. Chain link fencing may not be attached or affixed to a neighboring property, which includes houses, garages and fencing.

Signs: One real estate sign, advertising the sale or rental of a home no larger than two (2') feet by three (3') feet is permitted on residence property. A total of three (3) political signs with a maximum size of two (2') feet by three (3') feet are permissible. However political signs may be displayed no more than forty-five (45) days in advance of an election day and removed no later than seven (7) days after an election day.

Clotheslines: Outdoor clotheslines are not permitted unless screened by and approved means from public and neighbors view. *Clotheslines may not be attached or affixed to a neighboring properties house, garage or fencing.*

Mechanical Equipment: All mechanical equipment which includes but is not limited to window air conditioning units, evaporative (Swamp) coolers etc. must be installed at ground level or out of site from public and neighbor's view.

Noise: Any noise, including live and/or recorded music must not be audible on any portion of a neighboring property.

Window & Fence Flower Boxes: Exterior containers for growing and displaying flowers at windows or on fencing must be appropriate in size, material, color and style compatible with the architecture of the house. An ARC request should be submitted in the event questions arise concerning size, color and material compatibility.

House Numbers: House numbers in an easy to read style must be affixed to the house and on the garage of ("Old Cluster Units") in an obvious location clearly visible from the street or ally for emergency personnel. The color must be in contrast with its background. (City of Arvada Ordinance)

Snow Removal: The City of Arvada ordinance requires removal of snow and ice within twenty-four (24) hours after the cessation any snow fall. This includes sidewalks bordering your property located in the front, rear and sides or ones property. ***The ordinance does not cover private property (Pond HOA Property) which includes allies and sidewalks in the Cluster area.*** However, if a Cluster owner chooses to hire or use a snow plow to removal snow from an ally, care must be taken to insure that there is no damage to the water meters and/or covers. *It will be the sole responsibility of the homeowner to repair and/or replace any damaged water meters and/or covers.*