

KIPLING SUN TOWNHOMES ASSOCIATION, INC.

ARCHITECTURAL GUIDELINES

CONTENTS:

**ARCHITECTURAL IMPROVEMENT PROCESS
REPLACEMENT WINDOWS AND SKYLIGHTS
ADDITIONAL TUBULAR SKYLIGHTS
TV SATELLITE DISH INSTALLATION
TREES, SHRUBS, LANDSCAPING
SPECIAL PLANTING RESTRICTIONS
LOCATION OF UTILITIES
FENCES
PATIOS
COURTYARD MODIFICATIONS
DECKS
ASPHALT REPAIR POLICY
AWNINGS
STORM DOORS
HOT TUBS, WHIRLPOOLS AND SPA-TYPE BATHS
AIR CONDITIONERS AND EVAPORATIVE COOLERS
ENERGY EFFICIENCY DEVICES
STANDARDS FOR FLAG DISPLAY
STANDARDS FOR DISPLAY OF POLITICAL SIGNS
EMERGENCY VEHICLES
Appendix**

HISTORY:

Architectural Guidelines adopted: November 7, 1997
Various amendments: 2001 & 2002
Revisions (1): Pursuant to Board action March 6, 2003
Revisions (2): Pursuant to Board action May 10, 2003
Revisions (3): Pursuant to Board action April 8, 2002
Revisions (4): Pursuant to Board action April 20, 1998
Revisions (5 & 6): Pursuant to Board action June 5, 2003
Revisions (7): Pursuant to Board action October 4, 2003
Revisions (8): Pursuant to Board action October 25, 2003
Revisions (9): Pursuant to Board action November 5, 2004
Revisions (10): Pursuant to Board action July 11, 2005
Revisions (11): Pursuant to Board action October 24, 2005
Revisions (12): Pursuant to Board action June 21, 2007
Revisions (13): Pursuant to Board action October 18, 2007
Revisions (14 & 15): Pursuant to Board action August 21, 2008
Revisions (16, 17, 18, 19 & 20): Pursuant to Board action October 15, 2009
Revision (21): Pursuant to Board action December 10, 2009

Architectural Improvement Process (19):

1. Procure and complete improvement request form.
2. Submit to Board with plat survey, detailed plan, contractor liability form, and necessary county permits.
3. Arrange for architectural committee site review, ACC & Board approval.
4. Coordinate contractor activity with LMC for timely project completion.
5. Notify Board of project completion and arrange Board inspection for final approval.

Please review attached guidelines for process clarification and fence, deck, or patio, etc design details.

Homeowners desiring to add new fences, patios or decks to their Kipling Sun Townhome property will complete a request form that provides space for all the pertinent information about the proposed improvement. In addition, the homeowner will attach a copy of the plat survey for their property. The survey will allow the Board to verify that the proposed project lies entirely on the homeowner's property. No part of a project, down to and including the graveled mow strips around the proposed fence, deck or patio, shall extend into a neighbors property unless the homeowner obtains a legal easement involving the exchange of some monetary consideration. This easement shall be recorded in the county offices (a process usually requiring the services of an attorney) and an official copy shall be submitted to the HOA Board prior to the commencement of any work on the project. Failure to provide the copy of the easement will result in the automatic revocation of project approval, and the homeowner will need to resubmit an amended request eliminating the offending encroachment. The homeowner shall also submit a scale plan of the proposed project, which shows graphically the area size and location with respect to their home's exterior walls and property line. Details such as basement window wells, gas meters and air-conditioner units should be depicted with locating dimensions.

It is preferred that all work that is visible to the public or adjacent properties be performed by qualified trades people in order to maintain a high level of workmanship. All work performed by persons other than the homeowner shall be performed by licensed and insured contractors. Any contractor used by a homeowner will be held liable for damages caused by their actions and the HOA will be held blameless for any injury to the contractor's employees. Professional companies have standard liability forms, which a contractor representative will be required to sign indicating their willingness to accept the liability. The homeowner will receive a copy of the signed form and attach it to their request. No trucks, cars, skid loaders, tractors or other vehicles will be permitted on the turf areas at any time. Damage to the turf or any other property of the development or other homeowners shall be the liability of the homeowner for which the work is being performed as set forth in section 10.12 of the CC&R. If a contractor or

employee causes the damage, and the HOA is unable to obtain a satisfactory remedy from the contractor, the homeowner will be held liable, irrespective of the contractor's liability form, and the HOA will use every means available to recover the cost of damages or repairs from the homeowner. Due to the presence of buried utilities in the area, the homeowner will be required to *(10) have utilities professionally located* for any job requiring earthwork. Whether the homeowner performs the *(10) requested property improvement* or contracts to have it done, the quality of work is subject to the Board's final acceptance and they reserve the right to require rework or removal of substandard construction. The determination of inadequacy may be based on but not limited to a concern for safety, the issue of reasonable suitability as set forth in section 11.4.c of the CC&R, or deviation from the approved plan as set forth in section 11.4.d.

When new patios, decks, fences, or other improvements are made or existing ones are replaced or removed requiring ACC approval, the grading and drainage of the area will be reviewed by the ACC in consultation with the Grading and Landscaping Committee. Regrading to assure proper drainage away from the townhome units will be required when necessary.

The homeowner will allow the architectural committee access to their property to inspect the site for possible conflicts with the architectural guidelines that the homeowner may have overlooked. The committee members will identify any concerns or conditions for acceptance and the homeowner may request a waiver or work with the committee to bring the plan into compliance. The final ruling will be at the discretion of the Board.

The property manager will send copies of Board approved requests to the landscape maintenance company (LMC) and the homeowner. The homeowner may then contact the LMC to arrange a time for their representative to meet with the homeowner and determine the necessary landscape modifications to support the proposed project. The LMC will have the final authority regarding necessary modifications to the irrigation system. They will also choose the trees and shrubs to replace any that are being displaced by the homeowner's project. Homeowners will be expected to pay for plantings comparable to the value of those being displaced at the time of their original planting.

REPLACEMENT WINDOWS & SKYLIGHTS: (title 9/) (entire section 7/) (21)

Replacement windows are a clearly a change to the exterior of the townhome and thus require the approval of the Architectural Control Committee and the Board of Directors. Window alterations/modifications/replacements thus must follow the same request procedures as other architectural modifications. Separate exterior storm windows are not allowed under any circumstances. Replacement windows must be the same in exterior color such as white or brown or quite similar as those being replaced and the windows in the remaining units in the building in which the unit is located to insure consistency in appearance. The windows should be of the same general design as the window(s) being replaced (sliding, stationary, double hung, divided or undivided glass

area, frosted or unfrosted, etc.), of the same general glass area and of the same or same appearing material (aluminum, vinyl, etc.) as the original window, again to insure consistency of appearance, with the exception that double hung windows may replace existing side to side sliding windows. Replacement windows must be professionally installed because of the potential of significant damage to the structure, and both the unit owner and the contractor are liable for any damage to the structure and must agree to such in writing before approval will be granted. Subsequent to any replacement, the owner must notify the property manager and the installation will be inspected for propriety and damage.

ADDITIONAL TUBULAR SKYLIGHTS: (9/ entire section)

A maximum of two tubular skylights may be added per household unit or address. The skylights must be of 'tubular' design so as not to interfere with existing rafter and joist framing in the structure. The maximum size of any tubular skylight to be added shall not exceed the existing dimension between the framing of the structure. In no event may the existing framing of the structure be altered in any way except for necessary additions. Generally the roof framing in Kipling Sun is 24" centers and as such any skylight must be designed to fit within those and other framing dimensions. No part of the structural framing shall be modified or eliminated.

The exterior dome of the skylight shall be clear in color, no 'tinting' shall be allowed. Any desired 'tinting' must be accomplished through the inner lenses or tubing. The skylight must be used to illuminate the floor area immediately below the roof layer where it is installed. No multi-floor penetrations are allowed.

A detailed improvement plan must be submitted showing roof and proposed location of each skylight on each roof. Any tubular skylights must be professionally installed and include all finish work on the interior of the unit. The homeowner must execute a statement, which will be maintained in the permanent records of the HOA indicating that the homeowner is responsible for any current or subsequent damage, and/or roof leaks due to the skylight(s). Appropriate building permits must be obtained.

TV SATELLITE DISH INSTALLATION: (9/ entire section)

A homeowner, as permitted by the Federal Communications Commission may install satellite dishes for the reception of television or radio signals. It is important that such dishes be installed on a vertical exterior wall or the fascia or trim of the requesting homeowner's unit as opposed to the roofing. Such dishes must be professionally installed and the homeowner is responsible for any damages whatsoever including damage to the landscaping and leakage. Should the owner wish to move or abandon the dish, the repair of the damage due to the initial installation is the full responsibility of that homeowner. Any cable or cords relative to the dish must be concealed from view insofar as practical.

TREES, SHRUBS, LANDSCAPING: (13/ entire section)

In order to be prudent with regard to costs of planting and maintenance such as watering, trimming, and spraying, and to provide an acceptable appearance and functionality of the landscaping at Kipling Sun, the following tree/shrub guidelines have been established.

REMOVAL

Requests for the removal of dead shrubs, dead trees, or healthy vegetation will be considered for approval by the Architectural Control Committee (ACC).

It is not the policy of the HOA to approve the removal of existing healthy vegetation unless other conditions such as approved deck, patio, or fence construction, drainage issues, or safety concerns warrant it. It is our view that a significant quantity of trees and shrubs improve the overall appearance of the complex. The Landscape Planning Committee also shared these views in 2003.

The ACC will review the request with onsite visit to the external area of the unit concerned. If removal is approved, the shrub and/or trees will be marked and notification sent to the HOA property management company to have our landscape maintenance contractor remove them. The requesting homeowner will be notified whether the request has been approved or denied.

REPLACEMENT

Requests for replacement of previously removed shrubs and trees or for additional new plantings of any permanently planted flowers, groundcover, shrubs, or trees must be approved by the ACC. The ACC will consider whether replacement would be appropriate and meets acceptable standards as established by the ACC. These will be based upon the following considerations: location of previously removed shrub/tree or requested new planting, number of other existing plants/trees/shrubs in the area, drainage/grading of the area, and adequate watering.

Approved replacements will be done once a year at an appropriate time and as the HOA budget allows. If a homeowner wishes replacement sooner than is proposed, full replacement costs will be paid by the homeowner. Costs for approved additional new plantings requested by a homeowner, will be paid by the homeowner.

The following types of shrubs and trees are considered appropriate for our complex:

TREES

Trees may not be planted directly next to the foundation of any townhome except as noted below. Existing trees already planted near the foundations will be removed when necessary (such as when the tree trunk or branches damage gutters or roots damage concrete or foundations or the possibility of such damage is noted) and replaced by shrubs if appropriate.

Please note aspen trees are not considered appropriate for our complex and will no longer be allowed to be planted.

Appropriate Trees:

1. Evergreens such as
 - a. Colorado Blue Spruce, Austrian Pine, and Scotch Pine (medium water use in sunny area)
 - b. Pinyon Pine, Ponderosa Pine, and Bristlecone Pine (low water use in sunny area, well-drained soil not heavily irrigated)
2. Junipers such as
 - a. (upright) Rocky Mountain Juniper and Eastern Red Cedar (low water use in sunny area)
 - b. (spreading) Creeping Juniper, Common Juniper, and Greenmound Juniper (low water use in sunny or shady areas, may be planted near the townhome foundations with placement determined by the ACC)

Please note Chinese Junipers (pfitzers) are not recommended.
3. Deciduous trees such as
 - a. Cultivar varieties of Thornless Honeylocust and Thornless Hawthorne (low water use in sunny area)
 - b. Crabapples, Green Ash, Mountain Ash, Newport Plum, Wasatch Maple, Hornbeam, Serviceberry, and Eastern Redbud (medium water use in sunny area, some okay in shady area)

SHRUBS

Shrubs may be planted next to the townhome foundations with placement determined by the ACC.

Appropriate Shrubs:

1. Small size shrubs such as
 - a. Leadplant, Silver Sagebush, Russian Sage, and Blue Mist Spirea (very low to low water use)
 - b. Cotoneaster, Rock Spirea, Littleleaf Mockorange, Potentilla, and Dwarf Russian Almond (low to moderately low water use)
2. Medium size shrubs such as
 - a. Barberry, Quince, Honeysuckle, Dwarf Ninebark, and Cistena Plum (low to medium water use)
 - b. Apache Plume, Fernbush, and Dwarf Lilac (very low to low water use)

Other types of shrubs, trees, and groundcover suggested by a homeowner will be considered but are not guaranteed approval.

If possible after removal, the transplanting of live shrubs or trees to another area will be considered.

As a requirement for approval of a request for a deck, fence, or patio addition or other improvement where landscape items such as trees or shrubs must be removed and replaced in a new location, the homeowner must pay the HOA through the property management company the amount of money necessary to cover the costs of said replacements. Special requests for a particular type of shrub or tree will be considered but are not guaranteed approval.

Current (2007) approximate replacement costs are as follows:

Deciduous shrub/tree	\$30.00/\$380.00
Evergreen shrub/tree	\$35.00/\$270.00
Other items	Cost as determined by ACC

These amounts are subject to change at the discretion of the ACC with input from the HOA Board and landscape maintenance contractor.

The purpose of this policy is to insure the complete and proper replacement of landscape items should the homeowner move or planting conditions exist that would delay replacement until a more appropriate time.

At the discretion of the ACC, homeowners putting in the deck, patio, or fence may purchase and plant landscape items themselves upon which event the landscape payment described above would be refunded to the homeowner.

SPECIAL PLANTING RESTRICTIONS (11) & (16):

Because of the agreements between the HOA and Urban Drainage (UD) relative to removal of a portion of the complex from the flood plain and UD's maintenance of the pond area and flood and 'flood plain' considerations, no additional plantings of any sort are permitted in the pond area north of a line running east/west, 25 feet from the northernmost row of townhomes (building 5900) (between the last row of townhomes & W. Bowles Ave).

Any plantings in the 'overflow channel' to the east of the easternmost line of townhomes require approval as to *specifics* of the plantings. Plantings in this area should not be bushes (except replacements), but rather trees with a smaller diameter trunk at maturity and a foliage canopy higher than the concrete retaining wall and should be within five feet of the unit's foundation. No plantings whatsoever are permitted in the 'spillway' portion at the lower (east) end of the detention pond. Owners should be aware that Urban Drainage may remove any plantings in the affected area at any time without notice.

Owners should contact the LMC for assistance in sprinkler line location and plant selection assistance.

LOCATION OF UTILITIES (10):

Due to the presence of buried utilities in the complex area, the homeowner will be required to have utilities professionally located for any job, requiring earthwork (including turf removal.) Whether the homeowner performs the work or contracts to have it done, the professional location and marking of underground utilities is required.

The location of such utilities is based on but not limited to a concern for safety. Utility location and marking is currently available at no cost.

FENCES:

If a fence is constructed on a homeowner's property, the homeowner assumes responsibility for the care, maintenance, and upkeep of the fence and everything within the fence except the Townhome structure. Fences shall conform to one of two styles and fit a common geometric design. The fences shall be constructed of cedar or redwood lumber (or an approved alternative material 1/.) The sides shall extend perpendicularly from the walls of the home, and they shall be six (6) feet in height. The sides shall extend no less than six feet from the exterior wall of the home, and no more than the length of the property, as shown on the survey plat, minus a three-foot landscape buffer at the outer end. For example, if the homeowner's plat indicates that their property extends 13 feet from the homes outer wall, and then the fence may not extend further than ten (10) feet from the home. The last two (2) feet of the running length of the fence sides shall slope at a uniform rate from six (6) feet in height to four (4) feet in height at the corner.

The end of the fence, which runs parallel to the exterior wall of the home, shall be four (4) feet high and, if the fence encloses a gas or electrical power meter, the fence must have a gate for the benefit of the meter readers. All fence construction shall originate from the ground and may not be built on top of a concrete slab patio. The heights of the sides and end of the fence shall be verified from the existing grade at several points along the length of each side, and must meet the height requirements within +/- 3 inches. The top line of the fence may be stepped or sloped as necessary to achieve the height requirements over rapidly changing grades. The fence may completely enclose the area, or it may be left open on one or more sides. The sides which are perpendicular to the home must as a minimum turn the corner and extend no less than 6 feet along the end that runs parallel to the home. If two such corner sections are employed, they need not be joined to make a complete enclosure unless the homeowner so wishes. The fence must be narrower than the width of the homeowner's property as verified on the plat survey document. The design must include a graveled mow strip on the exterior of the fenced area along the sides of the fence that are perpendicular to the home. This mow strip must be a minimum of 6 inches wide for the entire length of the fence, and it must be entirely within the homeowner's legal property. None of the mow strip will be permitted to encroach on a neighbor's property unless a legal easement has been obtained from that neighbor.

Fence construction shall be either of two styles: The first style consists of 3/4" X 6" wide fence boards (or an approved alternative 1/) with dog-eared top corners installed in alternating fashion on the inside and outside of the fence supporting structure. When viewed from directly in front, the alternating boards give the fence the appearance of solid boards with no gap. In reality, both the inside and outside of the fence have 6" spacing between boards. When viewed from an angle, the fence is more open appearing. The staggered dog-eared boards of the 4' high sections will in every instance characterize this style of fence. However, in the interest of privacy and as an option, the 6' high side panels of the fence which originate at the exterior wall of the home may be solidly planked from the house to the outer corners of the fence with 3/4" X 6" dog-eared boards. This fence typically has three 2 X 4 rails between each pair of 4

X 4 posts to support the planking. If the solid construction option is elected, the smooth side of the fence panel shall face out of the enclosed area. If the homeowner chooses, they may fully plank both sides of the 6' sections of the fence, thus gaining a smoothly planked view for themselves. In no case will the 4' sections of the fence be fully planked. If the homeowner wants the entire fence fully planked, they should choose the second style.

The second style of fence meets the same design guidelines as the first style in that it has 6' high sides that slope to 4' in the last 2' of running length followed by 4' high panels after turning the corner. The 4' high sections may extend the full width of the fenced area or they may have a gap in them. If it is fully enclosing and encompasses any public utility meters, it must have a gate for access. This fence is also constructed with 3/4" X 6" boards (or an approved alternative material 1/.) However, this style is characterized by full planking on all sides and by a 2 X 6 horizontal cap at the top of each section of the fence. At the section of the side panels that slope from 6' to 4' in height, the cap will slope also. This fence can be constructed with only two 2 X 4 rails between posts (one at the top under the cap and the other at the bottom) so that it presents a more finished appearance from the inside. A 1 X 2 trim strip is installed under the edge of the cap on the outside to hide the dog-eared corners of the fence boards at the top. If changes in fence top line are necessary to meet the height requirements on rapidly changing grades, the transitions shall be executed with a high level of workmanship (i.e. mitered close fit joints in the cap and trim strip etc.).

PATIOS (17):

If a patio is constructed on a homeowner's property, the homeowner assumes responsibility for the care, maintenance, and upkeep of the patio as well as any subsequent damage to the Townhome caused by the presence of the patio (such as water damage due to improper drainage). Patios shall not block any basement window wells or utility meters. Concrete slab patios shall fit within the homeowner's fenced area, or if they are built without the benefit of an enclosing fence, they will meet the same size constraints as outlined for fences. They shall have the same 6" mow strip on the sides and the required 3' landscape buffer at the end. (Or at the determination of the Board) Considerations for the modification of existing landscaping shall be the same as for fences. Patios shall not be approved if the slab will exceed 12" in height above the natural grade at its outer edges. Regrading or berming will not be permitted to avoid this requirement. Regrading is required where an existing patio slab has cracked or sunk and is being replaced. If the slab is expected to exceed 12" then a wooden deck should be considered as an alternative. Turf areas must be protected (with wood planks for example) when any conveyance (such as a wheel barrow) is used to transport the concrete across the turf areas to construct the slab. The homeowner will be held liable for any damage to the turf areas.

COURTYARD MODIFICATIONS (10):

There have been inquiries relative to modifications to 'patio areas' (courtyards) enclosed by the garage, fence and residence in some units. These units are generally in buildings 5900, 5920 & 5926. With respect to such patio areas (courtyards), the policy of the ACC is as follows:

POLICY WITH RESPECT TO COURTYARD AREAS:

Background: *As the Declarations state:*

- "Maintenance, upkeep, and repairs of any patio area shall be the sole responsibility of the individual Owners thereof. Such maintenance, upkeep and repairs are not in any manner the responsibility of the Association"
- "The Committee may take into consideration ... the harmony thereof with the surroundings, and the effect (on) the residence"
- "The Architectural Control Committee may grant reasonable variances or adjustments from any (architecturally related) conditions or restrictions"
- "Variances or adjustments shall only be granted if it is not material or detrimental or injurious to the other property or improvements of the neighborhood".

Policy: It shall be the policy of the ACC to allow maximum owner flexibility and discretion in modification of the area contained by the fence, garage and residence (courtyard) of any property designed as such, and to approve any submitted plan whenever possible. The maintenance and upkeep of this courtyard area is the owner's sole responsibility, so long as it is not detrimental or injurious to the other properties or improvements of the neighborhood, is in harmony with the surroundings and so long as the actual exterior structure, affixed amenities, or building color scheme of the complex is not modified.

Some units have some small sprinkler lines. We have been able to ascertain that, at one time a 'drip irrigation system' existed and was functional in these areas. Because of leakage & other problems, this system (along with the sprinkler system in the bottom of the pond area) has been abandoned some time ago and is no longer functional. Generally, owners can contemplate courtyard modifications without regard to these lines.

DECKS (12) & (18):

If a deck is constructed on a homeowner's property, the homeowner assumes responsibility for the care, maintenance, and upkeep of the deck as well as any subsequent damage to the Townhome caused by the presence of the deck. Decks shall not block any basement window well or utility meter. Decks shall be constructed of redwood lumber (or an approved alternative material 1/) according to the building guide for Single Family Residential Uncovered Decks and Porches (developed by the Colorado Chapter of the International Conference of Building Officials and available from the Jeffco Building Dept.) and in compliance with any additional Building Dept. requirements. The deck shall be no higher than the threshold of the door through which access to the deck is gained. The deck may be constructed with multiple levels, but only to the extent that the highest level complies with the threshold rule. The deck shall be sized to fit within the homeowner's fenced area, or if no fence is present, it shall fit entirely, including landscape buffers, within the homeowner's property and not extend into a neighbors property along any common property line. Mow strips and landscape buffers shall reduce the property survey accordingly. There must be a three-foot landscape gravel buffer zone along the outer end of the deck parallel to the house. Gravel buffer zones along the side's perpendicular to the home shall be a minimum of six inches wide except as in the following case. The side of a deck built along the common property line shall have its width adjusted so that it will not extend into any

neighbors property. The area under the deck shall have an appropriate weed barrier and gravel layer as recommended by the LMC. Regrading of the area should be done if necessary prior to beginning the construction of the deck.

Steps are not required but if the deck is so equipped the steps must be entirely within the landscape buffer or mow strip associated with the deck. The deck shall have a railing of standard height and construction except on those sides where an adjacent fence panel is sufficiently high to provide adequate protection. The railing may be omitted only on those sides protected by a fence panel or structure.

All construction of fences, patios, and decks shall be in accordance with county codes. Any necessary permits (see appendix) are the responsibility of the homeowner and must be submitted for verification before any construction begins.

(Due to confusion in platting, at it's June 21, 2007 meeting, the HOA Board granted a license for owners of all units in buildings 5900, 5906, 5910, 5916, 5920, 5926, 5930, and 5936 to construct wooden decks so long as the decks otherwise comply with these provisions, the applicable building codes, and do not extend beyond the depth of an existing deck, fence, or concrete slab, or 10 feet (whichever is greater) from the structure.)

ASPHALT REPAIR POLICY: (entire section 2/)

Asphalt cuts for electrical, plumbing, etc. must be guaranteed in writing (by reputable entities) or cash bonded not to crack or sink for at least two years and properly filled with road base or preferably fofill (roadbase/water/cement) or other acceptable fill material, compacted and then acceptably repaved with 4-5" asphalt with the cost absorbed by the requesting homeowner or other entity. (In the event of emergency, the property manager may authorize asphalt cuts according to this policy)

AWNINGS: (entire section 3/)

1. All awning installations must be approved by the Homeowners Association (HOA) Board of Directors. Homeowners must submit an Architectural Improvement Request Form.
2. It is recommended that qualified licensed, and insured trade people or contractors install all awnings. Any contractor used by a homeowner will be held liable for any damages caused by their actions and the HOA will be held blameless for any injury to any contractor's employees. Professional installers have standard liability forms that should be signed and a copy attached to the homeowner's request form submitted to the HOA. Any damages to the homeowner's townhome, adjacent townhomes, or other property of the townhome development shall be the liability of the homeowner for which the work is being performed as set forth in section 10.12 of the CC&R. If a contractor employee causes the damage, and the HOA is unable to obtain a satisfactory remedy from the contractor, the homeowner will be held liable, irrespective of the contractor's liability form, and the HOA will use every means available to recover the cost of damages or repairs from the homeowner.
3. The HOA is not responsible for any damage incurred to the townhome due to the installation of awnings or any subsequent damage to the townhome or awning due to improper installation, mechanical or electrical, of the awning, or damage to the awning due to acts of nature such as wind, hail, snow, or rain.
4. Awnings may be installed over patio doors only. No other door or window awnings will be permitted.
5. Awnings must be attached to wall studs or concrete beams. No roof mountings will be permitted.
6. Awnings must be detachable in order to accommodate painting of the townhome exterior or access to the roof or structures as deemed necessary by the HOA.

7. The awning itself must be fabric of a vinyl or acrylic type. Except for attachment hardware, no aluminum awnings will be permitted.
8. The fabric must be in a solid color matching the townhome exterior siding color or other neutral shade and/or pin striping as approved by the ACC and Board of Directors.
9. The size of the fully extended awning must not exceed the dimensions of the patio or deck it is meant to cover.
10. The awning may be retractable. If so, it may be manually controlled or motorized. Sun Sensors are allowed.
 - a. If motorized, a professional electrician should install any electrical wiring that goes through the building exterior to an interior switch inside the home.
 - b. Whether the electrical work is to be done by an electrician, the homeowner, or other party, this information must be disclosed on the Architectural Improvement Request Form.
11. It is suggested that the awning be water repellent, dirt, stain, and fade resistant in order to help maintain the proper appearance of the awning.
12. The homeowner assumes the sole responsibility for the care, maintenance, and upkeep of the awning as set forth in section 6.6 of the CC&R.

STORM DOORS: (entire section 5/)

Policy: STORM AND/OR SCREEN DOORS

If the homeowner requests approval of installation of a storm/screen door, any purchased such door shall be acceptable so long as it is a/ white in color b/ professionally installed and c/ installed immediately outside the entrance door, which it is to serve.

HOT TUBS, WHIRLPOOLS AND SPA-TYPE BATHS: (entire section 4/)

Regulations for Installation:

Hot tubs, whirlpool and spa-type baths may be installed on a patio or deck provided the Architectural Committee and the Board of Directors approve them.

Deck or Patio Installations

1. All installations on a wooden deck must have a permit from Jefferson County Building Department with a copy to Kipling Sun Townhome Association.
2. All electrical must conform to the standards of Jefferson County. An electrical permit is necessary, with a copy to Kipling Sun Townhome Association. Further information may be obtained from the Building Department of Jefferson County at:

Jefferson County Administration

c/o Building Department

100 Jefferson County Parkway

Golden, Colorado 80401

Telephone: 303/271-8260

3. A cover must be installed and locked when not in use.
4. A privacy fence must be installed and must be in accordance with the fencing regulations of the Architectural Committee. ([8/] Except as noted in 5. below.)
5. The privacy fence should enclose the patio or deck or yard. The fence must be either cedar or redwood (or approved alternative 1/) as per Architectural Committee Rules. Before installation, a drawing must be submitted to the Kipling Sun Townhome Association, illustrating the location of the hot tub and the fence with the appropriate dimensions of the fence and fencing materials for approval by the Architectural Committee and the Board of Directors. ([8/] Unless the privacy and safety concerns can be accomplished by other means [such as deck elevation] in the opinion of the Architectural Control Committee in their approval process.)
6. Liability insurance with a minimum of \$300,000 is the responsibility of the homeowner. A copy must be provided to the Kipling Sun Townhome Association.
7. Drainage of the hot tub must be through a hose or pipe so that it drains into a sewer or drain tile, not to the landscaped or graveled area of the complex.
8. Any damage to the deck, patio or landscaping caused by the installation and operation of the hot tub or spa becomes the responsibility of the homeowner and must be repaired at homeowner expense.

AIR CONDITIONERS AND EVAPORATIVE COOLERS (13/entire section) & (20):

Appropriate permits, including electrical, for air conditioner or evaporative cooler installations must be obtained and such units must be professionally installed.

Air Conditioners:

Homeowners may install air conditioning units so long as the compressor units are located on the ground on a concrete or other suitable pad structure. No roof mounted or window units are permitted. The wiring and tubing must be concealed, insofar as possible. Care should be taken that such units do not emit an unsatisfactory noise level.

Evaporative Coolers:

Homeowners may install evaporative coolers so long as they are ground or wall mounted. No roof mounted or window units are permitted. Such units may only be installed so that the uppermost flat plane of the unit is not greater than six feet from the ground (or the deck or patio) immediately below the unit. The wiring and tubing must be

concealed, insofar as possible. Care should be taken that such units do not emit an unsatisfactory noise level.

When existing air conditioners or evaporative coolers are moved or replaced, permission by the Architectural Control Committee is required. The grading and drainage of the area will be reviewed by the ACC in consultation with the Grading and Landscaping Committee in order to ascertain if the pad is in need of elevation to facilitate proper drainage. Regrading to assure proper drainage away from the townhome units will be required when necessary.

ENERGY EFFICIENCY DEVICES (14/entire section):

Consistent with Colorado Law, Kipling Sun encourages owners to adopt energy efficiency and conservation measures. As with all other enhancements, such additions require the advance approval of the Architectural Control Committee.

Awning, Shutter, Trellis, Ramada or other shade structures:

Awnings within the complex are permissible so long as they are consistent with the separate guidelines on that subject. Shutters are permissible so long as they are totally contained on the interior of the unit. Trellis', Ramada's and other shade structures are permissible so long as they are constructed of similar materials as set forth in the guidelines for patios and decks and so long as the entire structure is totally contained within the property of the applicant owner. As with any such structure, building permits are required.

Garage or Attic fans:

Garage or attic fans may be installed within units at Kipling Sun so long as the installation is within the unit. Any additional venting or louvers necessary may not be done through the roof, but must be done through the gables or soffits of the structure and concealed insofar as practical. Any re-painting necessitated by the installation of such additional venting is the responsibility of the installing owner.

Lighting device containing coiled fluorescent bulbs:

Coiled fluorescent bulbs may be used and are encouraged for use by owners in the furnished exterior lighting fixtures within the complex. Owners may not replace the existing fixtures, which assures consistency within the complex. Care should be taken to ensure that such coiled fluorescent bulbs are of the proper wattage so as not to damage the fixtures.

STANDARDS FOR FLAG DISPLAY (10):

POLICY:

It is the policy of the HOA to allow for display of American or Military Service flags, consistent with State Law, so long as the flags do not exceed two in number, are less than 5' x 7' in size and are displayed from a window or flagpole affixed to the owner's unit or garage.

CRS 38-33.3 (106.5)(1)(a) & (b) states:

The display of the American Flag by a unit owner on that unit owner's property, in a window of the owner's residence or on a balcony adjoining the unit owner's property if the American Flag is displayed in a manner consistent with the Federal Flag Code, PL 94-344; 90 Stat. 810; 4 USC 4TO10. The Association may adopt reasonable rules regarding the placement and manner of display of the American Flag. The Association rules may regulate the location and size of flags and flagpoles, but shall not prohibit the installation of a flag or flagpole.

The display by a unit owner of a service flag bearing a star denoting the service of the unit owner or a member of the unit owner's immediate family in the active or reserve military service of the United States during a time of war or armed conflict, on the inside of a window or door of the unit owner's residence. The Association may adopt reasonable rules regarding the size and manner of display of service flags except that the maximum dimensions allowed shall not be less than nine inches by sixteen inches.

STANDARDS FOR DISPLAY OF POLITICAL SIGNS (10):

POLICY:

It is the policy of the HOA to allow for display of Political signs, consistent with State Law & Jefferson County ordinances, placed in a window or within the unit owner's property boundaries so long as no single such sign exceeds four square feet in area. Such signs may only be placed 45 days prior to the advertised election and may remain no more than 7 days after such election.

CRS 38-33.3 (106.5)(1)(c)(I) & (II) states:

The display of a political sign by a unit owner on that unit owner's property or in a window of the unit owner's residence; except that an Association may prohibit the display of political signs earlier than 45 days before the day of an election and later than seven days after an election day. An Association may regulate the size and number of political signs that may be placed on a unit owner's property if the Association's regulation is no more restrictive than any applicable city, town, or county ordinance that regulates the size and number of political signs on residential property. If the city, town, or county in which the property is located does not regulate the size and number of political signs on residential property, the Association shall permit at least one political sign per political office or ballot issue that is contested in a pending election, with the maximum dimensions of 36 inches by 48 inches on a unit owner's property.

As used in this paragraph, political sign means a sign that carries 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.

EMERGENCY VEHICLES (10):

POLICY:

It is the policy of the HOA to allow for the parking of emergency vehicles in visitor parking spaces consistent with State Law so long as the owner of such vehicle complies with all statutory criteria and furnishes independent written evidence of meeting all the requirements of law to the HOA's property manager, the ACC and the HOA Board. No parking whatsoever is allowed in the fire lanes or on the drives or drive aprons.

CRS 38-33.3 (106.5)(d)(I),(II),(III) & (IV) states:

The parking of a motor vehicle by a unit owner on a street, driveway or guest parking area in the common interest community is allowable if the vehicle is required to be available at designated periods at the unit owner's residence as a condition of the unit owner's employment and all of the following criteria are met:

1. The vehicle has a gross vehicle weight of ten thousand pounds or less,
2. The unit owner is a bona fide member of a volunteer fire department or is employed by an emergency service provider as defined in CRS 29-11-101 (1.6),
3. The vehicle bears an official emblem, or other visible designation of the emergency service provider and parking of the vehicle can be accomplished without obstructing emergency access or interfering with the reasonable needs of other unit owners to use streets and driveways within the community.

Appendix

The following information has been provided by Jefferson County as an example of the types of construction for which the county has historically required permits. The final determination regarding the need for a permit for a particular project must be obtained from the county offices:

- Concrete slabs (patio) - no permit required.
- Fences - miscellaneous permit required (fence permit review cost \$25.00 plus \$3.00 per 100 ft of fence length)
- Decks - floor height greater than 30" above finished grade require Planning and Zoning Dept. review first for authorization to build (\$25.00 submittal fee). If approved, then forwarded to Building Dept. for building permit (fee based on square footage of deck).

Floor height less than 30" above finished grade - no permit required.

The Board and the architectural committee will expect homeowners to provide copies of required building permits based on this information unless the homeowner can show that the appropriate Jefferson County departments have exempted their proposed construction.

The Jefferson County Planning and Zoning Dept. may be reached at 303-271-8700.

The Jefferson County Building Dept. may be reached at 303-271-8260.