

OVERLOOK AT BEAR CREEK

Owners Association, Inc.

Rules and Regulations and Residential Improvement Guidelines and Site Restrictions Revision November 2009

INTRODUCTION

The Overlook at Bear Creek is a planned community with established protective covenants. The requirements set forth in the Declaration of Protective Covenants of The Overlook at Bear Creek ("Declarations") and these Design Guidelines are intended to preserve and maintain the character, value, desirability and attractiveness of The Overlook.

The purpose of these guidelines is to promote qualities that will enhance the value of individual properties and maintain the attractiveness of The Overlook neighborhood. The requirements, objectives, standards and procedures contained in these guidelines are intended to establish and maintain a harmonious community image in The Overlook. Through these guidelines and the design review process, a consensus will be achieved between individual aesthetic judgment and the broader interests of community standards.

These Design Guidelines are intended to assist homeowners in the design and construction of additions, alterations, fences, landscaping or any other modifications to their lot and shall in no way alter the provisions and requirements of Official Development Plans ("ODP's") or the Declarations. In the event of any conflict between the ODP's, the declarations and the Design Guidelines, the more restrictive shall apply. If the three are contradictory, the ODP's shall prevail.

Homeowners must submit a completed Design Review Request form, including plans and specifications, to the Architectural Control Committee ("ACC") and must obtain written approval from the ACC prior to the commencement of any work. All projects, including initial landscaping plans, are to be reviewed by the ACC. To allow the ACC adequate time for review and approval, homeowners should submit all required information to Management Company, the association's management company, at least 30 days prior to the expected commencement of the project. A copy of the Design Review Request form is attached. Please contact Management Company for the actual tri-part forms.

Many exterior improvements may require a permit from the City of Lakewood or Jefferson County. It shall be the responsibility of the homeowner to obtain all necessary permits and inspections.

If you have any questions, please contact our management company:

Know How Management
Attention: OBC-ACC
1972 South Vivian Street
Lakewood, CO 80228
Telephone: (303) 989-2574

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Rules Enforcement

- a. The Rules and Regulations contained in The Overlook at Bear Creek Owners Association Declaration of Covenants, Conditions and Restrictions and the By-Laws shall be enforced by the Architectural Control Committee as it relates to those items normally submitted to the Architectural Control Committee as stipulated in the Declaration of Covenants, Restrictions and Conditions, Article 7.
- b. Other infringement of rules will be called to the attention of the individual homeowner by Management Company. If the homeowner does not correct the rule infringement by the third notice from Management Company or if the homeowner feels the complaint is invalid, it will be reported to the Board of Directors for a hearing.
- c. The Board will meet the Management Company and the homeowner at a regular Board meeting or special meeting at which time evidence will be informally taken. Subsequently, the Board shall take action on all complaints. This action may take the form of (1) the complaint being dismissed; (2) the violation cited and penalized for failure to comply. In either case, both parties will be notified in writing of the action taken.
- d. Person(s) cited for a violation shall be penalized as follows:
 1. First violation – formal notification of Rule infraction will be mailed.
 2. The second violation of a rule in a six-month period will result in a \$25.00 penalty assessment.
 3. Subsequent violation of the same Rule or Regulation:
Third offense or notification - \$50.00
Fourth offense or notification - \$100.00
Five or more offenses – The Board shall take appropriate action which may include the imposition of a penalty not to exceed \$500.00
- e. If the accused violator, after having received the written notice of the action taken by the Board, responds in writing by denying the complaint, the Board shall set a date, not more than 30 days after the date of denial, to hear the accused. At this hearing, the Board shall hear all evidence informally and judging this information, as well as that given in the written complaint, the Board will uphold the decision or dismiss the complaint. The penalty will be rescinded if the complaint is dismissed.
- f. If the accused fails to appear at any of these proceedings, the action of the Board will stand.
- g. Any penalty assessed against a homeowner that remains unpaid after sixty days shall become a lien on the property and shall be recorded in the same manner as any lien for nonpayment of common expenses. The Board may take such other legal action that it deems necessary, including the filing of a lawsuit, to collect any fines that remain unpaid after sixty days. In the event legal action is necessary, the prevailing party shall be entitled to receive reasonable attorney fees and court costs from the losing party.

Design Guideline

Improvements to Property: These guidelines and restrictions are intended to assist homeowners in the making of landscaping and other exterior improvements to their property. And, as provided for in Section 7.2.A of the Association Declaration of Protective Covenants, hereinafter referred to as the Declarations, the Board of Directors may adopt rules and regulations with respect to this Common Interest Community. The Declarations for The Overlook require prior approval of the Architectural Control Committee ("ACC") before proposed improvements on any Lot in the Overlook community. "Improvements upon Lots" are broadly defined to mean all exterior improvements, structures, and any appurtenances thereto or components thereof of every type or kind, and all landscaping features, including, but not limited to, buildings, roofs, outbuildings, swimming pools, tennis courts, patios, patio covers, awnings, solar collectors, painting or other finish materials on any visible structure, additions, walkways, sprinkler systems, garages, carports, driveways, fences, screening walls, retaining walls, stairs, decks, landscaping, hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, exterior light fixtures, poles, signs, exterior tanks, and exterior air conditioning, cooling, heating and water softening equipment. The Declarations authorize the ACC to review all improvements for conformity and harmony with existing surroundings, residences, landscaping and structures.

Architectural Control Committee: The Architectural Control Committee shall consist of three members made up of homeowners of The Overlook in good standing or members appointed by the Association's Board of Directors. The committee shall be established per the Declarations of The Overlook at Bear Creek Owners Association. See Article 7 of the Declarations.

Governmental Regulations: Approval by the ACC does not constitute assurance that the improvements comply with applicable governmental requirements or regulations. It is the homeowner's sole responsibility to obtain any local zoning and building department permits and approvals before construction is started and to have periodic inspections during work in progress, if required, by local government codes.

Interference with Utilities: Homeowners are responsible for locating all utility lines and easements and should not construct any improvements over such easements without the consent of the utility involved.

Violations of Design Guidelines: Every violation of the Design Guidelines is declared to be and constitutes a nuisance. Enforcement of violations shall be processed according to Article 7 of the Declarations. The following fines may be imposed for violations of these guidelines:

First violation	Formal notification of rule infraction will be mailed
Second violation	Within 6 month period will result in a \$25.00 penalty
Third violation	\$50.00
Fourth violation	\$100.00
Five or more violations	Board of Directors shall take appropriate action which may include imposition of a penalty not to exceed \$500.00
Landscaping violation > 1.5 yrs	Board of Directors shall take appropriate action which may include imposition of a penalty not to exceed \$5000.00

Improvement Review Procedures: The review and approval procedures which follow provide the framework by which the ACC will review, process, and approve improvements within The Overlook. Detailed plans and specifications showing locations of the structure and types of material must be included with the Design Review Request form. These plans and specifications will then be reviewed by the ACC as to the aesthetic and overall compatibility with the architecture of the primary residence and harmony of the neighborhood. All approvals are for aesthetics only. The ACC does not

regulate or dictate construction and installation techniques of the homeowner or their contractors. The homeowner assumes all responsibility and liability associated with improvements. Plans, specifications and the ACC Design Review Request form shall be submitted to the ACC, through the Association's management company, in accordance with the following review and submittal procedures:

- a. Prior to any modification, construction, or installation of an improvement, it shall be the homeowner's responsibility to submit a signed and dated Design Review Request form along with plans, elevations, specifications, and other pertinent details of the proposed improvements. Plans and elevations shall be in appropriate scales and include sufficient detail for the ACC review. The applicant should submit the required information to the ACC through the Association's management company at least thirty (30) days prior to expected approval.
- b. If, in the opinion of the ACC, the submittal complies with the Guidelines, the improvement shall be "Approved" and written notice of approval shall be provided. All improvements shall be constructed in accordance with approved plans and are required to be completed within 90 days or within such time as approved in writing by the ACC. Extensions on completion of improvements require submittal of a request to the ACC.
- c. The ACC may postpone action on a request and require submission of additional information before a decision can be made. In such cases, improvement requests will be "Suspended" until the requested information is submitted to the ACC. In these cases, the 45-day approval time commences once the additional information is received by the ACC.
- d. If the submittal is found to not be in compliance with the Guidelines, the improvement request is "Denied." The ACC shall provide the homeowner with a written description of the aspects in which the submittal does not comply. The homeowner may then choose to resubmit a new Design Review Request form with the required revisions to the ACC and follow the same review procedures.
- e. If the ACC fails to decide upon any request within forty-five (45) days after complete submission of all plans, specifications, materials and other necessary information with respect thereto, then a second request, via certified mail, return receipt, to the management company should be submitted. Failure of the ACC to respond in fourteen (14) days to the second request shall be deemed to have been approved by the Committee.
- f. The following are guidelines for specific improvements:

Additions and Expansions: ACC approval is required. Homeowners are required to submit detailed plans and specifications including floor plans, exterior elevations and materials. Materials and colors must match, or be generally acceptable as complementary to, the existing residence. See Section 8.B. of the Declarations.

Air Conditioning: See Mechanical Equipment.

Animals: The total number of household pets is limited to five per household, with no more than three animals of the same species. Servant animals are allowed in addition to household pets.

No animals will be kept, bred, or maintained within The Overlook for any commercial purposes. The Board may adopt reasonable rules and regulations that may regulate, restrict, or prohibit particular animals, or animal related activities within The Overlook. Barking dogs and loose cats may harm wildlife and disturb the peace of The Overlook, and so are prohibited. The Board may require the immediate removal of any animal or pet which violates the terms of the Declarations, the rules and regulations, or both. See Section 8.21 of the Declarations. Owners are responsible for any litter to the common areas caused by household pets.

Dog license is required. Pet shall be carried or on a hand held leash. Pets shall not be leashed to any object o the common areas. Pets shall not be permitted to bark, how or make other loud noise for such a time as to disturb residents. Owners are responsible for any property damage, injury or disturbances caused by their pets. Do not feed animals out doors to avoid attracting wildlife.

Accessory Structures: are defined as anything not attached to the main house and are to be maintained at the same standards of the main house. Accessory structures shall be for storage purposes only. Screened patios, awnings, arbors, gazebos and play structures are not included in this guideline.

Approval will be based upon, but not limited to, the following criteria:

- a. ACC Approval is required for all accessory structures and must bellied as a separate request from any other landscape/home improvement plans.
- b. Structure shall be compatible to the architectural style, color and material of the main house, to include the matching stonework and stucco work of the home, if appropriate. Vinyl, aluminum and other synthetic siding of any type is not permitted. Roof must match the existing roof on the main house.
- c. Maximum size will be no more than 120 square feet and 8 1/2 in height. The total height of the accessory structure is measured from grade to the highest point of the structure. In instances where there is a slope in grade height is measured from the lowest point of the slope.
- d. Structure must be located to the side or rear of the main house lines
- e. Utilities must be underground.
- f. Changes in grade or drainage resulting from the addition of the structure must not adversely affect any adjacent property or the OBC master drain plan.
- g. Should be located to minimize the effect on neighboring properties as it relates to their privacy and view.

Arbors: ACC approval is required. Consideration will be given to placement so as not to obstruct adjacent property owners' view whenever visible.

Balconies: See Decks.

Basketball, Portable and Permanent Backboards: ACC approval is required for every type of basketball goal. Freestanding, pole-mounted backboards must be sleeve-set or permanent—set in the "rear" yard. House-mounted backboards are not allowed. Portable freestanding basketball boards may be conditionally approved if reasonably placed for play and properly stored when not in use. Backboards may be approved based upon, but not limited to, the following considerations: proximity of the goal to property lines and proximity of adjacent neighbor's living area and landscaping.

- a. Placement of permanent basketball hoops is at the discretion of the ACC.
- b. Basketball backboards may not be placed over the garage or attached to house.
- c. Permanent basketball hoops on poles should be placed either in the back or the side of the house in order that the placement minimizes the view from the street.
- d. Basketball equipment must be mechanically sound, clean and well maintained.
- e. Temporary basketball hoops can be put up starting Memorial Day weekend and must be put away after Labor Day weekend (considered summertime period). Temporary hoops can be put up for use at other times of the year, but must be put away within 24 hours of usage.
- f. Temporary hoops cannot be setup in common areas, streets or sidewalks unless written permission is received from the ACC.
- g. Basketball play may occur between the hours of 9am and 9pm.

Commercial Vehicles: See Vehicle Restriction below and Section 8.22 of the Declarations. This clarifies that section 8.22 Signs is renumbered to 8.23 and all subsequent section are increase by .01 as appropriate

Construction: See Sections 8.4, 8.5 and 8.6 of the Declarations.

Clotheslines: must be retractable and put away when not in use. Clothes may not be left out overnight.

Decks: ACC approval is required. Decks must be constructed of wood or other material similar to the material of the residence and must be in accordance with the Overlook Addendum signed by the homeowner at the time of closing. The decks must be installed as an integral part of the residence and patio area. All decks must be stained in a color similar to, or generally acceptable as complementary to the residence. One- hour fire-rated decks are encouraged to create a setback safety zone.

Disturbances: Residences shall exercise reasonable care to avoid making or permitting to be made loud, disturbing or objectionable noises, and in using or playing or permitting to be used or playing musical instruments or devices in such a manner as may disturb other residents.

Dog Runs: ACC approval is required. Considerations may include, but not be limited to, location in "rear" or "side" yard and abutting the home, placement within the perimeter of rear yard fencing, proximity to property lines, proximity to neighbor's residence, "screened from view," type of cover if utilized and must be in accordance with the ODP and the Addendum signed at closing. A 2" x 4" wire mesh grid fence with posts and post caps is permitted. Chain link or chicken wire fence is not permitted.

Driveways: Extensions, expansions or resurfacing of driveways requires ACC approval. Any approved driveway expansion shall not be intended to promote parking or storage of any vehicle off the driveway on a side yard. Extended driveways are permitted if (a) the driveway does not cover a drainage easement, and (b) the driveway does not interfere with City of Lakewood zoning/traffic intersection distances. See also Section 7.2.D.i. of the Declarations.

Dwellings: See Section 8.3 of the Declarations.

Exterior Lighting: Any changes or additions to exterior lighting require ACC approval. Exterior lighting should be subdued, properly molded, and not be a nuisance to adjacent lots.

Fencing: ACC approval is required and will be in accordance with the homeowner responsibilities stipulated in the ODP and in the Overlook Addendum signed by the homeowner at the time of closing.

The purpose of the Overlook at Bear Creek fence covenant is to regulate the location, character and maintenance of fences to ensure compatible and harmonious relationships within the Overlook at Bear Creek community and to provide for safety and public welfare. This covenant also ensures that fences erected in the Overlook at Bear Creek community are consistent values of our community and with the standards established by the ACC.

- a. ACC approval is required and will be in accordance with the homeowner responsibilities stipulated in the ODP and in the Overlook Addendum signed by the homeowner at the time of closing. (Overlook at Bear Creek Owners Association, Inc. Residential Improvement Guidelines and Site Restrictions Amended February 2003)
- b. All fencing must be in accordance with the City of Lakewood permitting. Refer to <http://www.lakewood.org/CPD/pdfs/zoning/Article8.pdf> for further details regarding City of Lakewood requirements.
- c. Solid private fencing is prohibited. All fence posts will be wooden and metal poles will not be allowed. Decorative gates that are not wooden need to receive ACC approval.
- d. All private rear yard fencing constructed by the homeowner shall be there rail fence with a maximum height of 48". The fence shall be wood with 2" x 6" rails. A 2" x 4" wire mesh grid is permitted for pet enclosure. All private yard fencing shall be maintained by the

homeowner. (Overlook Addendum)

- e. Dog runs are allowed only if constructed within homeowners' fenced property and shielded from view of neighbors to the greatest extent possible. Chain link or chicken wire fence is not permitted. Dog run must be in back or rear of property. Dog run may be on the side of property but must be obscured from street view. The location and design is subject to approval by the ACC.
- f. The fence, wall or structure height, location, designs and landscaping are in scale and harmonious with the character of the neighborhood and respect the design, size and landscaping improvements located on adjacent properties.
- g. Fences, walls and structures regulated by this Article shall be maintained in a safe manner perpendicular to the ground. Should a fence or wall lean or sag more than 20° to either side, perpendicular to the ground, it shall be considered to be a nuisance or a hazard as defined in and regulated by the Lakewood Municipal Code and must be removed or repaired.

Fences and walls no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced or removed by the property owner. Examples of lack of maintenance shall include, but are not limited to, protruding or exposed wire, missing and/or protruding pickets, sagging or leaning more than 20° to either side, extending into a traveled walkway or creating a hazard for a pedestrian or motor.

Flagpoles: May be installed if they are attached to the main house by angular flag holder brackets. Free standing poles require committee approval and may only fly the United States of America and or Colorado State flags. Only one (1) flagpole of any type is allowed on a lot. The height of a flagpole can be no taller than the height of the highest adjacent roofline. Flags may not be placed in common areas. No flag shall be placed above the United States flag. If displaying the flag during the hours of darkness, proper illumination, that does not disturb adjacent residents, is required. The Official United States Flag Code, which can be found at www.usflag.org/uscode36.html#178, is to be followed in this community.

Garage Doors: All garage doors will be equipped with automatic remote control openers, and will be kept closed, except when being used to permit immediate ingress or egress to or from the garage.

Gas Fireplaces, Exterior Flues: ACC approval is required when addition of gas fireplaces materially affects the outside appearance of the structure. Flues are to be framed and boxed to match existing materials and colors of the residence. Wood- burning stoves and fireplaces are not allowed if attached to the residence.

Garbage, Refuse: All trash, refuse, garbage, and other wastes shall be kept in closed and sealed containers, such as garbage cans, waterproof boxes, etc. These containers shall be kept within the garage, or if kept outside, shall be suitably screened from view. The enclosure shall be kept neat, clean and wood free. If the containers are placed outside in a screened enclosure, homeowners should provide a method of ensuring that animals cannot get into such containers.

Gates:

- a. All gates will be not taller than six feet in height.
- b. Gates must be mounted as flush as possible inside the columns or wall and be in line with existing railing.
- c. All gates must be compliment adjoining railings (in design or in an architectural manner).
- d. Bottom of gate cannot exceed more than 6 inches from the ground.
- e. All ornamentation and or spikes must be included as part of and not exceed the six foot height limit.

- f. A Design Review Request must be submitted and approved in writing by the Architectural Control Committee prior to any installation of gates.
- g. Any gates that are installed prior to written approval may be subject to removal at homeowners' expense until proper approval has been given.

Gazebos: ACC approval is required. Gazebo must be installed as an integral part of the landscape plan. Prefabricated lattice is not recommended for roofs, but is acceptable for side screening. Gazebo must be wood or other material similar to the material of the residence. If painted, must be a color of, or similar to, the primary residence. If stained, must be similar to or generally acceptable as complementary to the residence. Gazebos may not exceed one hundred (100) square feet. Height may not exceed twelve (12) feet. Consideration will be given to placement so as not to obstruct adjacent property owners' views whenever possible.

Hot Tubs, Jacuzzis and Spas: ACC approval is required. Must be in the "rear" yard and is recommended to be installed as an integral part of the deck or patio area and/or landscaping. Consideration will be given to placement so as to be suitably screened from view of adjacent neighbors and so as not to create an undue disturbance. Emptying or dumping of water into the yard, onto adjacent lots or in the drainage easements is strictly prohibited. All water drainage is required to be through a pipe or hose out to the street.

Landscaping: ACC approval is required for all landscaping which must be in accordance with the ODP. Homeowners are required to submit landscaping plans with design details and specifications on type of materials and location of gardens, walkways, retaining walls, trees, bushes, sod, rock, edging and other materials. Consideration will be given to lot size, quantity, placement and types of trees in order to respect and preserve the views of adjacent lots whenever reasonably possible. See Overlook Addendum and Section 8.17 of the Declarations.

The Overlook Addendum requires homeowners to landscape their yards within six (6) months of closing in accordance with the ODP and guidelines contained in the Overlook Addendum, but must be in compliance with regulations of the Bear Creek Water and Sanitation District.

Exterior fire pits or other wood-burning devices: See Outdoor Fires.

Landscaping will be properly maintained by the homeowner. Trees and shrubs should be planned to remain within property lines. Branches shall not be allowed to hang over or fall onto walkways or streets, nor shall they be allowed to obscure the vision of motorists. Lawns, trees and shrubbery are to remain well groomed. Weeds are to be kept under control. Fallen leaves, fruit, branches and other deciduous matter shall not be allowed to accumulate. (See Section 8.18 of the Declarations)

Retaining walls constructed out of flagstone, moss rock, rhyolite, brick, cultured stone faced concrete, keystone walls or stucco will be allowed to accommodate changes in grade. See the ODP for further requirements.

Landscape Ornamentation of a Non-Living Nature and Exterior Decorative Objects of a permanent nature must be submitted for approval by the ACC. Decorative elements shall be tasteful and compatible with the community-wide standard in the neighborhood. The following items are prohibited in the front yard: animal skulls and wagon wheels, statuary or sculptures such as flamingos, lions, deer or cherubs, or any other items deemed to be landscape ornamentation. The board of directors reserves the right to require removal of decorative items in yards based on size, quantity, color, location and any other criteria that the Board may determine.

Landscaping Ponds and Water Fountains: ACC approval is required and must be installed as an integral part of the landscape plan. Emptying or dumping of water into the yard, onto adjacent lots or in the drainage easement is strictly prohibited. All water drainage is required to be through a pipe or hose out to the street. ACC approval is also required for a birdbath or water fountain.

Water Features:

- a. Home owners are required to disclose to the ACC any planned water features as part of the landscape plan approval. Homeowners are encouraged to check with the Jefferson County building department for any addition of a water feature that pools water deeper than 12 inches. These water features include but are not limited to fountains, ponds, waterfalls, etc.
- b. Swimming pools require the approval of the ACC and must meet all Jefferson County building department rules, see Pools -.
- c. While the ACC will be responsible to approve any water the feature the Board reserves the right to declare a water feature a constructive nuisance and may require additional changes the water feature to alleviate the suspected nuisance. In no case shall the Board's decision required changes be less than the requirements of Jefferson County building department however the Board's request may be more restrictive but not unreasonable.
- d. Jefferson County requires a fence on any water feature that has a water depth of 3 feet or more. Three (3) feet is the recommended center depth of a pond to have fish. This depth discourages wild life from attempting to feed on the fish. The ACC should request the depth of any planned water feature to insure the above requirement is made. Any mesh netting use to protect the pond must be at water level if the pond is in the front yard.
- e. Water features that are no longer used and/or maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced or removed by the property owner. Examples of lack of maintenance shall include, but are not limited to, protruding or exposed wire, missing and/or protruding pickets, sagging or non uses over a one year period, stagnant water or excessive algae.

Tree Lawns: Tree Lawns are the area between the sidewalk and the street and are a requirement by the City of Lakewood per the Official Development Plan (ODP). Initial tree lawn landscaping and irrigation are to be provided by the developer or home builder and shall be completed concurrent with the construction of the adjacent home, weather permitting

When ownership is exchanged between the builder and the homeowner, the watering and maintenance of the tree lawn becomes the responsibility of the homeowner. The following is required by the HOA for the tree lawn:

- a. The initial trees planted by the builder should be a minimum of 2" in size and shall be spaced equally comparable to the other trees planted in the tree lawns throughout the neighborhood. Prior to the planting of trees, approval is needed by the ACC.
- b. Maintenance of the tree lawn will include watering and cutting the grass, trimming trees awl keeping the tree lawn weed free by the homeowner
- c. Diseased, dead or significantly damaged trees shall be replaced with a like tree both in size and species. If trees being replaced are greater than 3" caliper in size, a minimum of the replacement tree should be 3". Replacement trees should be spaced the same as the trees that were removed
- d. Grass in the tree lawn may not be replaced with gravel, rock, mulch, other ground cover or plants other than grass.
- e. Any changes to the tree lawn including a change in the type or number of trees need to

be approved by the Architectural Control Committee by filing a Design Review Request (DRR).

- f. Stakes no longer supporting trees need to be removed.

Weed Control: All weeds determined to be noxious by the City of Lakewood, Jefferson County, the State of Colorado, or the U.S. Soil Conservation District will be eradicated from each Lot by the homeowner. The method of eradication will be pre- approved by the ACC. See Section 8.23 of the Declarations.

Mailboxes: Mailboxes shall be uniform in style, size, and color and include an address. All new and or replacement parts can be ordered through the original supplier — Janzer (1-800-232-7522 or www.Janzer.com). Mailboxes and posts are the sole responsibility of the home owner and are to be properly maintained so as to have a neat appearance and readable address. If a shared post is damaged by an unknown party, the cost to repair the post shall be halved by the two home owners sharing the post.

Maintenance of Property: See Sections 8.16, 8.18 and 8.19 of the Declarations.

Mechanical Equipment: ACC approval required for all exterior mechanical equipment. No mechanical equipment or evaporative cooler shall be allowed on the roof. No window air conditioners are allowed. No wind generators of any kind will be allowed. All equipment will be suitably screened from view.

Noxious, Annoying or Offensive Activity: No noxious, annoying, or offensive activity will be carried on upon any Lot, nor will anything be done or placed on the Property which is a nuisance or creates a disturbance or annoyance to others. No lights will be emitted from any Lot that are unreasonably bright or cause unreasonable glare. No sound will be emitted from any Lot that is unreasonably loud or annoying. No odor will be emitted from any Lot that is noxious or offensive to others. Nothing will be done on the Common Elements that is a nuisance or might become a nuisance to homeowners. The noise provisions of this paragraph apply to motorized vehicles. "The discharge of fireworks and open fires are prohibited. An open fire is defined as any open burning or kindling that is not contained in an enclosed chamber. See Outdoor Fires below.

Off-Street Parking: Off-street parking shall be limited to the paved areas of the driveway.

Outdoor Fires: In order to comply with the International Fire Code, West Metro Fire Protection District and the Overlook at Bear Creek Rules and Regulations, the following guidelines must be followed when using an outdoor, fireplace, chimney, fire pit or other burning chamber.

- a. There must be no fire bans in place by the Jefferson County Sheriff's Office
- b. The fire must be constantly attended.
- c. Wood shall be clean; not creosote laden, and no construction materials or rubbish shall be burned
- d. The fire must be completely extinguished after use.
- e. Fire extinguishing mediums must be on hand for immediate use. These can include an appropriate fire extinguisher, a garden hose, dirt or sand.
- f. If there is objectionable smoke, the fire must be extinguished.
- g. If wind direction causes the smoke to invade neighboring structures or lots, the fire must be extinguished.
- h. Chimneys, fire pits and other burning chambers shall be used in accordance with the manufacturer's instructions.
- i. Appearance shall be tasteful and compatible with the community-wide standard in the

neighborhood.

- j. ACC approval is required for any outdoor fireplace, chimney, fire pit or other burning chamber that is deemed to be more permanent in nature.
- k. Permanent outdoor fireplaces, chimneys, fire pits or other burning chambers must also meet building code requirements. Colorado State Environmental Protection Agency guidelines must also be met in regards to whether the fire can be wood or gas burning.

Outdoor Sound Devices: No whistles, bells, or other sound devices, except for security devices used exclusively for security purposes, will be located, used, or placed on any structure, or within any building site. Exterior speakers will be permitted, provided that the requirements of Section 8.25 of the Declarations are complied with.

Outside Storage of Personal Property: The personal property of any resident shall be kept inside the resident's house, garage, accessory structure, or must be shielded from view by adjacent neighbors. Exceptions are made for tasteful patio furniture and other personal property commonly kept outside. The board of directors reserves the right to require removal of personal property that does not fit within these guidelines.

Painting and/or Re-staining: ACC approval required if changing existing colors. Homeowners are required to submit large paint or stain color samples to the ACC for approval before any changes are made to the exterior paint or stain color of the residence, deck or other outside structures. No ACC approval is necessary if painting or re-staining in original or previously ACC approved colors.

Patios: ACC approval required. Patios should be constructed out of brick, stone, concrete or other material that reflects the architecture of the primary residence. Walks, front porches and stoops may be constructed of brick, wood, modular pavers, stone or concrete. Patios and porches must be an integral part of the landscape plan.

Patio Covers: ACC approval is required for all patio covers, awnings and overhangs. All covers other than awnings are discouraged. Awnings must be retractable and come with a hood/cover so as to be protected from the wind. Color must be complementary to the residence.

Paving: ACC approval is required for all paving regardless of whether for walkways, driveways, patio areas or other purposes and regardless of whether concrete, brick, flagstone, pre-cast patterned or exposed aggregate or other materials. Only 40% of a lot can be covered by nonporous materials. This includes permanent structures and paving.

Play and Sports Equipment, Play Structures and Play Houses: ACC approval is required for any permanent play structure/equipment. Consideration should be given to adjacent properties with regard to placement (e.g., reasonable set back from property lines where applicable — trampoline, swing set, etc.) so as not to create an undue disturbance. Play equipment or items used for front yard play are to be stored out of view when not in use. Play equipment and structures may not exceed eleven (11) feet in height. Brightly colored covers or awnings on play equipment are not permitted. Such covers or awnings are permissible if they are a subdued neutral or earth tone color. See Section 8.15 of the Declarations.

Pools: ACC approval required. Above ground pools are discouraged. Consideration will be given to proximity to property lines and setback requirements and size of the pool. Pools are required to be placed in the "rear" yard and fenced according to city code with a self-locking gate. Pools must have filtration systems. Pools will be required to be suitably screened from view of adjacent neighbors and placed so as not to create an undue disturbance. It is recommended that installation of pools be an integral part of the landscaping and rear yard deck and patio plan. Landscaping around the perimeter of the pool will be encouraged. Homeowner is responsible for routine maintenance and upkeep. Pool will be required to be covered during seasons when not in use.

Emptying or dumping of water in the yard, onto adjacent lots or in the drainage easement is strictly prohibited. All water drainage is required to be through a pipe or hose out to the street. If a pool is dismantled or removed, it is required that landscaping be restored with approval of the ACC. Homeowners must ensure compliance with all governmental regulations regarding pools and construction thereof, and the homeowner maintains all responsibility and liability for pools.

Property Use: No building erected or maintained in The Overlook will be used or occupied for any purpose, other than as an accessory Structure or as a Dwelling. No trade, business, profession, commercial activity, or other activity conducted for gain will be carried on or within any Lot, except for the rights of the Builder as outlined in Section 9.1.0 of the Declaration. See Variances.

Repairs or Replacement to a Structure: ACC approval not required if repairs are in accordance with previously approved plans and specifications. Modifications to the interior of a structure do not require ACC approval unless those modifications materially affect the outside appearance of the structure. See Improvements to Property.

Satellite Video and Audio Receiving Antennas: See Section 8.14 of the Declarations. Satellite dish and antenna installations are subject to FCC regulations and the rights afforded to the association to control their location and appearance. ACC approval is not required, but the following criteria shall be strictly adhered to:

- a. A satellite dish must be installed solely on the owner's individually-owned property, including the dwelling, as designated on the recorded deed or map.
- b. If an acceptable quality signal can be received by placing the dish or antenna inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.
- c. No dish may encroach upon common areas or another owner's property.
- d. Dishes shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; however, nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property.
- e. If an acceptable quality signal cannot be received in the backyard, the antenna shall be installed in a location that is least visible from the street and nearby lots and complies with the following provisions on Antenna Camouflaging.
- f. A dish may not be installed in a location to obstruct a driver's view of an intersection or street.
- g. Dishes shall be installed no higher than is absolutely necessary for reception of an acceptable quality signal.
- h. All installations shall be completed so they do not damage the common area(s) of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of buildings on common areas or individual lots.
- i. Owners are responsible for all costs associated with the dish, including but not limited to, costs to place or replace, repair, maintain and move the dish; repair damages to the common property, other lots and any other property damaged by the dish installation, maintenance or use; pay medical expenses incurred by persons injured by the dish maintenance or use; and reimburse residents or the Association for damages caused by dish installation, maintenance or use.
- j. Dishes shall be installed and secured in a manner that complies with all applicable cities, county and state laws and regulations, codes and manufacturers' instructions.
- k. Dishes may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- l. Dishes situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal

may be received from such placement. If no such existing landscaping or screening exists, the Association may require dishes to be screened by new landscaping or screening of reasonable cost.

- m. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. If the dish is installed on the side of a structure, the penetration of the wire or cable from the exterior to the interior of the unit shall be made as close as possible to the location the dish is attached to the structure and through existing penetrations for wire and cable, if available. No wiring or cabling shall be installed on common areas.
- n. Dishes and visible wiring attached to a unit should be painted in a color similar to, or generally accepted as complementary to the residence, provided painting does not prevent reception of an acceptable quality signal.

The above regulations apply to the following types of antennas:

- a. A "dish" antenna that is one meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
- b. An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.
- c. An antenna that is designed to receive local television broadcast signals. Masts higher than 12 feet above the roofline may be subject to local permitting requirements.

If the antenna does not meet the above antenna types, ACC approval is required.

Screen Doors: ACC approval required. Design and color of the door should be in keeping with the architecture and color design of the residence.

Seasonal Decorations and Flags: which are temporary and house mounted below the roofline are accepted from committee review and approval. Decorations and flags shall not cause a nuisance, and may not be in place for more than 30 days prior to a recognized holiday or 30 days following the holiday. Consideration of neighbors should be exercised when decorating for any occasion. Holiday decorations may not include any audio that can be heard beyond the limits of the lot and may not impede neighborhood traffic. The Committee reserves the right to require the removal of any seasonal decorations which are torn, faded, ripped, broken, a nuisance or do not meet the community-wide standard.

Solar Energy Systems, Passive and Active: Colorado law prohibits restrictions on solar panels for purely aesthetic considerations. Accordingly, the Board of Directors acknowledges a resident's right to install solar panels, provided that they meet all governmental guidelines for residential installation. However, such devices may be located on the roof only if (a) such solar unit is built into and is made an integral part of the roof flashing or the structure of any house, and (b) is, specifically approved by the Architectural Control Committee. Collectors must be non-reflective in nature. Roof mounted solar equipment (excluding the collectors/solar panels) must match the roof material and should blend into the structure as much as possible. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar units must not break the ridgeline. Visibility must be minimized from public view, and may be required to be screened from neighboring property in a manner approved by the ACC and Board of Directors. No solar panels can be ground mounted.

Signs: Political signs may be up forty-five days before an election and seven days following the day of the election. Only one sign per office or ballot issue contested in the pending election can be put up. Political signage cannot be larger than three feet by four feet. No signs of any type, billboards, or advertising structures can be placed on common areas. No signs, billboards, poster

boards, or advertising structures of any kind will be erected or maintained for any purpose whatsoever except such signs as have been approved by the ACC, pursuant to its published regulations. Two "For Sale" or "For Rent" signs of not more than five square feet each, and not exceeding 36" in height, may be placed near the driveway of any Lot being offered for sale or for rent. (See also Section 8.22 of the Declarations.)

Temporary Structures: House trailers, tents, shacks, outbuildings and structures of a temporary nature are strictly prohibited except as noted below. See also Sections 8.8 and 8.22.A. of the Declarations. Tents for entertainment or recreational purposes are permitted for periods not to exceed one week (7 days). The Association may grant exceptions to this restriction as is deemed suitable.

Tree Lawns: See Landscaping above.

Suitably Screened from View: Criteria will be determined on a case-by-case basis by the ACC. Typical criteria includes, but is not limited to: (a) cannot be viewed from the street, (b) cannot be viewed from the first floor of any unit, and/or (c) requires that 80% of the object or area be screened from the view of adjacent property owners and/or the first floor of any unit.

Uses of Common Area: Private property such as toys, tools, etc. may not be left unattended in the common area. Property left unattended may be removed by agents of The Overlook at Bear Creek Owners Association, Inc. No exterior additions, alterations, or decorations may be made to any common area fencing, monument signage or landscaping.

Water Features: See Landscaping above.

Window Coverings: are not mandatory, but recommended. Inappropriate window or glass door coverings include: signs, paper, bed sheets, tarps, towels, rugs, flags, blankets or similar treatments. No reflective materials, including, but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type material, shall be installed or placed upon the outside or inside of any windows.

Weed Control: See Landscaping above.

Variations: A variance from, or exception to, the provisions of these Restrictive Covenants or the provisions of the Architectural Standards, may be granted by the ACC upon two-thirds vote of the ACC, upon good cause shown by the homeowner, and upon a finding that such variance will have no detrimental effect on any other Lot or the Common Elements. See Section 8.25 of the Declarations for the full criteria for Variations.

Vehicle Restrictions: See Section 8.22 of the Declarations. This clarifies that section.

- a. Trailers, Campers, Boats and other Vehicles. No boat, trailer, camper (on or off supporting vehicles), tractor, "commercial vehicle", mobile home, motor home, recreational vehicle, motorcycle, towed trailer unit, or truck, except pickup trucks used solely for private use of the residents of a dwelling in The Overlook, will be parked for more than two weeks, as determined by the Board in its sole discretion, on any street or on any Lot, except in an attached garage. If any such vehicle is not removed from The Overlook or placed in an attached garage within three days after notice is delivered to the Owner on or adjacent to which the offending vehicle is parked, then the Board will have the right, but not the obligation, to begin the fining procedure the offending homeowner pursuant to the fine schedule.
- b. Junk Vehicles. No stripped down, abandoned, unlicensed, partially wrecked, or junk motor vehicle, or part thereof as determined by the Board in its sole discretion, will be permitted to be parked on any street, or on any neighboring property or street. No vehicles will be

habitually parked overnight outside of garages. Any vehicles violating this subsection may be removed.

- c. Vehicle Repair. No maintenance, servicing, repair, dismantling, or repainting of any type of vehicle, boat, machine or device may be carried on within The Overlook, except within an attached garage.
- d. Vehicles that impede foot traffic will be ticketed by the Lakewood Police. Home owners that continue to allow vehicles to improperly impede foot traffic will be fine in accordance with the association fine schedule.
- e. Commercial Vehicle" is defined as:
 - 1. Any vehicle used for commercial purposes.
 - 2. Any vehicle with commercial advertising, business address, or phone numbers displayed anywhere on the vehicle.
 - 3. Any vehicle with ladder racks, glass racks, or any attachment used for transporting materials used for commercial enterprises.
- f. Two weeks: The association may accumulate parking days using the following formula: if a vehicle is parked overnight, that vehicle will be considered to have parked one day.
- g. Emergency vehicles are excluded from this restriction, however the home owner who has possession of the emergency vehicle is asked to inform the board of their desire to park an emergency vehicle in the Overlook.
- h. "Emergency vehicles" are Police, Fire and Medical cars marked or unmarked.
- i. Boats and campers are permitted for periods not to exceed one (1) week four (4) times per year, to be parked in the streets and driveways. These vehicles may be stored in the attached garage at the homeowner's option with no restriction.