



guidelines (in addition to those generally described in Article 7.3 below) related to the purposes and duties of the Architectural Control Committee under this Declaration. For as long as the Declarant has the right to appoint members of the Architectural Control Committee, the Declarant shall approve any such Rules and Regulations prior to their use and implementation. If the Declarant has surrendered its right to appoint members of the Architectural Control Committee or there is no Person acting as Declarant and no Person holding Declarant rights, the Executive Board shall approve all Rules and Regulations prior to their implementation.

7.3 Approval. No Residence, building, fence, wall, structure or other item referenced in applicable Rules and Regulations shall be erected, placed or altered on any Unit until the plans and specifications, along with a plot plan, have been approved by the Architectural Control Committee. Three complete sets of plans and specifications shall be submitted to the Architectural Control Committee. The plans and specifications shall include the following minimum information:

- Floor plans of all levels of any Residence, which plans shall contain sufficient detail to describe the elements of the floor plan design;
- Total square footage for each level of any Residence.
- Building elevations on all sides of the proposed structure containing sufficient detail to determine roof form and material, window locations, siding material, and door placement.
- A written description of the materials to be used in the roof and exterior walls of the structure.
- The color of any paint or stain to be applied to the improvements.

The Architectural Control Committee shall approve plans and specifications submitted to it only if it determines that the construction, alteration, and additions contemplated thereby, and in the location as indicated, will comply with this Declaration and will serve to preserve and enhance the values of the Units within the Neighborhood and will maintain a harmonious relationship among structures, vegetation, topography, and the overall design of the Neighborhood. The Architectural Control Committee shall consider the quality of workmanship, type of materials, and harmony of exterior design with other Residences located in the Neighborhood. All construction on a single Unit shall be of the same type materials, color and design.

Approval by the Architectural Control Committee shall be in writing or indicated by endorsement on the plans and specifications submitted for approval. In the event the Architectural Control Committee fails to approve or disapprove the plans and specifications submitted to it by the Owner of a Unit within thirty (30) days after submission, then such approval shall be deemed to have been given. However, no building, other structure or landscaping shall be erected or allowed to remain on any Unit which violates this Declaration. The issuance of a building permit or license by the Town of Johnstown, Colorado, or other governmental authority having jurisdiction over the Neighborhood, shall not prevent or prohibit the Architectural Control Committee or a Unit Owner from enforcing the terms and provisions of this Declaration. The approval by the Architectural Control Committee of any plans and specifications shall not be deemed a waiver of any right to



withhold approval of any similar plans and specifications, or other matters subsequently or additionally submitted for approval by the same Owner or by another Owner. Any approval granted shall not be considered approval of the structural safety or integrity of the improvements to be constructed or conformance of such improvements with building codes, zoning ordinances, subdivision regulations, or other governmental rules and regulations applicable to the Property. Furthermore, any approval granted shall not be considered a permit to build under applicable governmental regulations.

7.4 Variances. Where circumstances such as topography, property lines, location of trees, vegetation or other physical interference require, the Architectural Control Committee may, by a majority vote and in its sole and absolute discretion, allow reasonable variances from the provisions of this Article. All costs and expenses incurred in processing the variance shall be paid in advance by the party requesting the variance.

7.5 Construction. Construction of a Residence or other structure approved by the Architectural Control Committee shall commence within three (3) months after approval of the plans and specifications, and the Owner shall thereafter proceed diligently with such construction. The Residence shall be completed to the point of issuance of a certificate of occupancy within six (6) months following the date of commencement of construction. The Architectural Control Committee in its sole and absolute discretion may extend any of the foregoing time periods for good cause.

7.6 Liability. The Architectural Control Committee shall not be liable to any Owner for any loss, cost, expense or damage, including attorney's fees, suffered by such Owner as a result of any decision made by the Architectural Control Committee unless such action is taken in bad faith or with malice against an Owner.

7.7 Building Orientation and Energy Conservation Measures. Owners are encouraged to design living spaces and glass areas to take advantage of solar orientation. Other energy conservation measures should include R-13/R-30 insulation and thermal windows.

7.8 Building Type. No building or other structure shall be erected, altered, placed or permitted to remain on any lot other than one Residence per Unit, with attached garage.

7.9 Building Size. Residences shall not exceed two stories in height, except where constructed on a slope permitting a full walkout basement. Each Residence shall have a minimum fully enclosed floor area devoted to living purposes as set forth on Exhibit B-4 of the Public Improvements Development Agreement for Town of Johnstown Rolling Hills Ranch Phase-14, recorded with the Clerk and Recorder of Weld County, Colorado (the "Development Agreement").

7.10 Garages. Each Residence shall include an attached garage having space for at least two standard size automobiles. All garages shall have two exterior light fixtures placed on either side of the garage door. Each Owner shall keep the garage door closed except when the door must be open for purposes of ingress to or egress from the garage.

7.11 Setbacks. Residences and other structures shall be located within such setbacks as are required by applicable governmental ordinances or regulations.

7.12 Finish Materials and Colors. Materials such as brick, masonry, stone, tile, composition or wood (properly maintained) lap siding are recommended as the dominant materials for Residences. The front of each Residence shall include brick, masonry, stone or tile accent in an amount satisfactory to the Architectural Control Committee. Typically not more than two of the above primary finish materials (in addition to glass) should be used for a single Residence. Finish materials should be painted or stained in earth tones or neutral colors. Limited use of stronger colors for accent or other purposes may be allowed. The Architectural Control Committee will provide a color palette from which Owners may select exterior finish colors. Additional restrictions and requirements are as set forth in Section 11.4 of the recorded Development Agreement.

7.13 Roofs. The minimum roof pitch shall be 5:12. The roof material for all residences shall be dimensional fiberglass/asphalt composition shingles and the specific shingle type, weight, color and profile must be first approved by the Architectural Control Committee before installation.

7.14 Fences. No fences will be allowed on any Unit, except as otherwise approved in writing by the Architectural Control Committee.

7.15 Solar Panels. No solar panels shall be erected or maintained on any Unit without having first been approved, in writing, by the Architectural Control Committee with regard to materials, color and placement of such panels.

7.16 Vents. All vents (except heat vents) shall be placed on the side of the roof closest to the rear Unit line.

7.17 Signs. Except as employed and utilized by the Declarant, no signs, banners, billboards, poster boards, or advertising structure of any kind shall be erected or maintained on any Unit or structure for any purpose whatsoever, except such signs as have been approved by the Architectural Control Committee in writing. The Architectural Control Committee may permit, in addition to signs for identification of Residences, a reasonably sized sign advertising property for sale or signs used by a builder or contractor to advertise the property during construction.

7.18 Satellite Dishes and Antennas. No exterior satellite dishes or antennas shall be allowed unless permitted by law and applicable Town of Johnstown, Colorado (the "Town") ordinances. The Architectural Control Committee may adopt Rules and Regulations consistent with law regarding the placement and screening of antennas, satellite dishes and other devices.

7.19 Clotheslines. No clotheslines shall be allowed on any Unit.