

**GATEWAY PARK RESIDENTIAL COMMUNITY
ASSOCIATION**

Berthoud, Colorado

**RESIDENTIAL IMPROVEMENT
GUIDELINES
AND
SITE RESTRICTIONS**

Revised: May 18, 2016

(Guidelines subject to change without notice)

These Residential Improvement Guidelines have been prepared by the Design Review Committee for the Gateway Park Residential Community Association. The Design Review Committee reserves the right to add to or modify these guidelines at its discretion. Please check with the Design Review Committee to be certain that you have the latest edition.

RESIDENTIAL IMPROVEMENT GUIDELINES AND SITE RESTRICTIONS FOR GATEWAY PARK SUBDIVISION

I. INTRODUCTION

- I.1. Basis for Guidelines – These Residential Improvement Guidelines and Site Restrictions (“Guidelines”) are intended to assist homeowners in Gateway Park in the design of their homes, landscaping and other improvements to their property as provided for in the Covenants and to list the rules and regulations adopted by the Homeowners Association with respect to the use of residential sites. THE COVENANTS FOR GATEWAY PARK REQUIRES PRIOR APPROVAL FROM THE DESIGN REVIEW COMMITTEE BEFORE ANY IMPROVEMENT TO PROPERTY IN THE GATEWAY PARK. “Improvement to Property” is very broadly defined in the Covenants. For instance, an “Improvement to Property” would include any landscaping or change of the grade of the property; the construction or installation of any accessory building, patio, deck, pool or hot tub; the demolition or removal of any building or other improvement; and any change of exterior appearance of a building or other improvement. In order to assist homeowners, the Covenants authorize the Design Review Committee (“DRC”) to establish guidelines and to establish certain pre-approved designs for several types of improvements to property and to exempt certain improvements to property from the requirement for approval. This booklet contains the guidelines established by the DRC with respect to residential property. Throughout this document the term “Property” shall refer to a residential site.
- I.2. Contents of Guidelines -- In addition to the introductory material, these Guidelines contain: (a) a listing of specific types of improvements which homeowner might wish to make with specific information as to each of these types of improvements; (b) rules and regulations applicable to residential sites; and (c) a summary of procedures for obtaining approval from the DRC.
- I.3. Design Review Committee -- The DRC consists of not less than three (3) persons, nor more than five (5) who are appointed by the HOA Board of Directors.
- I.4. Committee Address and Phone – The address of the DRC will be the same as the address of the Management Company for the Homeowners Association.
- I.5. Effect of Covenants and Resource Management Plan -- The Declaration of Covenants, Conditions and Restrictions for Gateway Park Subdivision and applicable Supplemental Declarations (jointly “Covenants”) govern property within Gateway Park. Real estate becomes part of the Homeowners Association by annexation pursuant to a supplemental declaration. Copies of the Covenants should be delivered to new homebuyers when they purchase their homes and are available at any time at the DRC office (Property Management Company). Each homeowner should review and become familiar with the Covenants. These Guidelines may supersede the current Covenants only in relation to the specific areas covered in these guidelines until such Covenants are rewritten to include these changes. Provisions relating to the use of property and to improvements to Property are found in the Covenants.
- I.6. Effect of Governmental and Other Regulations – use of Property and improvements to Property must comply with applicable building codes and other governmental requirements and regulations. Approval by the DRC will not constitute assurance that improvements comply with applicable governmental requirements or regulations or that a permit or approvals are not also required from applicable governmental bodies. For general information about Town of Berthoud requirements, homeowners may write or call the Town of Berthoud.
- I.7. Utilities – In making improvements to Property, homeowners are responsible for locating all water, sewer, gas, electrical, cable television or other utility lines or easements. Homeowner

should not construct any improvements over such easements without the consent of the utility involved and homeowners will be responsible for any damage to any utility lines. Please contact the Town of Berthoud for information on locating utility lines or the respective utility company.

- I.8. Goal of Guidelines – compliance with these Guidelines and the provisions of the Covenants will help preserve the inherent DRC architectural and aesthetic quality of Gateway Park. It is important that the improvements to Property be made in harmony with and not detrimental to the rest of the community. A spirit of cooperation with the DRC and neighbors will go very far in creating an optimum environment which will benefit all homeowners. By following these Guidelines and obtaining approvals for improvements to Property from the DRC, homeowners will be protecting their financial investment and will help insure that improvements to Property are compatible with standards established for Gateway park. If questions arise as to the correct interpretation of any terms, phrases or language contained in these Guidelines, the DRC's interpretation thereof shall be final and binding.

II. SPECIFIC TYPES OF IMPROVEMENTS – GUIDELINES

General – Following is a list of restrictions and improvement guidelines. UNLESS OTHERWISE SPECIFICALLY STATED, DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE DRC AND THE WRITTEN APPROVAL OF THE DRC OBTAINED BEFORE THE IMPROVEMENTS ARE MADE. In some cases, where it is specifically so noted, a homeowner may proceed with the improvement without advance approval by the DRC if the homeowner follows that stated guideline. In some cases, where specifically stated, a type of improvement is strictly prohibited. If an improvement is not listed below, DRC approval is required.

Accessory / Storage Buildings – Accessory buildings and storage buildings shall be submitted to the DRC for approval prior to construction or placement. All such buildings shall be consistent with the siding, roof, and colors of the primary residence. All accessory buildings and storage buildings shall be located to the rear of the primary residence.

Additions and Expansions – DRC approval required. Additions or expansions to homes will require submission of detailed plans and specifications. (See also Building Plans).

Advertising – See Signs.

Air Conditioning Equipment – DRC approval required regarding the type and placement of a unit unless central air installed by original builder of home. Installation of air conditioning equipment on the roof, in a window, or through a wall shall not be permitted.

Antennae – Not permitted. No exterior radio antennae, television antennae or other antennae may be erected. Satellite dishes are allowed provided they do not exceed 18" diameter and placement is on the rear or side of house. Antennae may be erected within the attic of the residence.

Astroturf – Astroturf shall be permitted only in fenced backyards.

Awnings – See Overhangs.

Balconies – Construction of a balcony must receive prior approval by DRC.

Basketball Backboards – Placement and design must be approved by the DRC. Only free standing basketball backboards do not need approval.

Bird Houses and Feeders – Bird houses and feeders do not require DRC approval up to a maximum size of 1 foot by 2 feet. No bird houses or feeders (of any size) may be attached to fencing.

Boats – Boats may not be stored outside on any property. Boats may be parked temporarily on driveways using the same code enforcement guidelines as the Town of Berthoud which is 72 hours for any 30 consecutive days. Homeowners may contact the HOA regarding any special circumstances that may require the parking of a boat longer than guidelines suggest.

Building Code – All residential structures must conform to the applicable building code of the Town of Berthoud. Approval by the DRC of plans does not imply compliance with any building code or ordinances. The owner and builder shall be required to obtain a building permit from the Town of Berthoud and obtain the necessary inspections for a certificate of occupancy.

Building / Construction Plans –

General – The review and plan submittal procedures have been written to accommodate the most complex conditions that may exist in the variety of construction activities. Procedure may be waived or certain listed submittal items may not be required by the DRC. The DRC should be consulted to determine what information will be required for review by the DRC.

Submittal Fee – There are no required submittal fees although the developer, builder and/or homeowner will incur any costs for additional expert opinions such as those needed from an architectural engineer.

Construction Drawings Submittal – All construction drawings should be approved by the DRC prior to submittal to the Town of Berthoud for a building permit and prior to any construction. A total of two sets of construction drawings are to be submitted to the DRC. Each set should consist of:

- Size and square footage of finished space, including floor plans.
- Exterior elevations.
- Exterior colors and samples of exterior materials. All paint and roof colors must conform to the requirements of the DRC.
- Such plans must demonstrate that the improvements are in harmony with the design of the surrounding structures.
- Plot layout with respect to topography, grade and drainage in relation to existing dwellings and drainage.
- Landscape plans must conform to requirements of DRC. See Landscaping.

Review and DRC Actions – Following the review, the DRC shall:

- Approve or disapprove the plans as required by the Covenants, in writing, on the builder's or owner's set of plans and specifications.

- Failure of the DRC or designated representative to approve or disapprove plans and specifications within 30 days of submittal shall not be interpreted as approval subject to compliance with the Covenants. Deemed approval shall only apply when the matters specifically and sufficiently described in plans and specifications are submitted to, and received by, the DRC and are in full compliance with the Covenants and Guidelines.
- All buildings and improvements shall follow the letter of the plans and specifications submitted and approved by the DRC. Any changes to approved plans will require the re-submission and additional approval of the DRC.
- DRC may formulate or adopt guidelines for the assistance or clarifications of the items set forth in the Covenants.
- Approval for one Property does not imply approval for any other Property without the submission of plans and specifications and written approval from the DRC.

Campers / Trailers – Campers may not be stored outside on any property. Campers may be parked temporarily on driveways using the same code enforcement guidelines as the Town of Berthoud which is 72 hours for any 30 consecutive days. Homeowners may contact the HOA regarding any special circumstances that may require the parking of a camper longer than guidelines suggest.

Car Covers or Carports – Not permitted.

Clothes Lines and Hangers – Retractable clotheslines and hangers are allowed but must be approved by the DRC.

Colors –

All exterior colors and color combinations must be approved by the DRC. Repainting of existing colors must also be approved. All projections including, but not limited to, chimney ties, vents, gutters, down spouts, utility boxes, porches, railings and exterior stairways shall closely match the permanent color of the surface from which they project or shall be of approved trim color. Duplicate color schemes shall not be allowed on adjacent lots or lots across the street from each other.

A detailed description of how each color component will be used shall be submitted to the DRC. All colors must be subdued and of muted earth tones. Any houses not meeting this current requirement will be required to change colors to the DRC requirements the next time their house is painted.

Homeowners must paint 12” square samples of each color on their house to allow for proper DRC approval in all light before submitting their paperwork.

Commercial and/or Oversized Vehicles – A commercial vehicle is defined as, but not limited to, a vehicle that has a business name or logo and has equipment attached to or is used for the purpose of providing services to an individual or corporation only. An oversized vehicle is defined as a vehicle that cannot be parked within the garage. Commercial vehicles that are cars or SUVs are allowed to be parked on driveways. Oversized vehicles or oversized commercial vehicles must have DRC approval to be parked in the driveway. Such approval will be based upon, but not limited to, no

more than one vehicle, effect on curb appeal, effect on safety, and effect on street traffic. No vehicle, whether commercial or oversized, shall be parked in such a manner that it blocks the sidewalk.

Decks – DRC approval required. Must be wood or other material similar to material of the residence and must be treated or painted a similar or in what is generally accepted as a complementary color to the residence. Must be installed as an integral part of the residence and patio area. Must be located so as not to obstruct or greatly diminish the view, or create an unreasonable level of noise for adjacent property owners.

Dog Houses, Runs, and Pet Enclosures – DRC approval required. Needs to be screened from view of street and/or public view. Vinyl fencing is an acceptable method of concealment.

Drainage - Any changes desired to be made to lot drainage must be approved PRIOR to performing change(s) by first the town and then the DRC. There shall be no interference with the established/approved drainage pattern over a lot except as approved in writing by the town and the DRC. When performing landscaping, it is very important to insure that water drains away from the foundation, driveways and sidewalks, and that flow patterns prevent water from flowing under or pooling near or against the house foundation, walkways, concrete patios, sidewalks, driveways, etc. Each builder shall perform the initial “final grade” for drainage of the lot according to the original submitted approved plat plan. Builder shall then engage a licensed engineer to check and make certain the grading and drainage is consistent with the approved plat plan and that positive drainage will occur away from the home. Upon installation of landscaping, the original approved grading and drainage plan must be maintained. It is highly recommended that a licensed engineer recheck drainage of the lot as landscaping is being installed and upon completion to assure that proper drainage was maintained. Any deficiencies must be corrected promptly. For further instruction on Drainage, please refer to the Covenants.

Driveways - Driveways to the garage shall be constructed only with gray tone concrete. There shall be no expansion or extension of driveways without prior DRC approval.

Elevation Treatments – DRC approval required. DRC architectural design shall incorporate a consistent level of DRC architectural interest in all elevations.

~~**Evaporative Coolers** – Not allowed.~~

Exterior Lighting – See Lights and Lighting.

Fences – DRC approval required. Drawings showing fence location, layout design, height and material shall be submitted to the DRC. No fencing will be allowed anywhere within the front yard of residence. White vinyl fencing and cedar fencing is allowed and shall not exceed 6’ in height. Homeowners must obtain a permit from the Town of Berthoud prior to work beginning. Cedar fencing must be maintained with natural stain finish every 3 years. All fences must be kept in good repair and maintained in a manner consistent with the original material and design of the fence.

Flagpoles – Free standing poles are not allowed. One wall mounted bracket per residence shall be allowed.

Garages – Every residence shall have, at minimum, a fully enclosed two car garage.

Gardens – Vegetable gardens measuring 225 square feet or less shall not require DRC approval. Larger gardens shall require prior DRC approval. Vegetable gardens are not allowed in the front yard of residences. Smaller sizes are allowed on the sides of residences.

Greenhouses – DRC approval required.

Hot Tubs – DRC approval required. Must be an integral part of the deck or patio area and of the rear or side yard landscaping. Must be installed in such a way that is not immediately visible to adjacent property owners and does not create an unreasonable level of noise for adjacent property owners.

Junk vehicles – See vehicles.

Landscaping – DRC Approval required. Landscaping design must be consistent and harmonious with the general character of the neighborhood. Please check with the town on requirements for street trees.

Landscaping Maintenance –

Owner responsible for maintenance of owner property, as of March 31st, 2018. Ballot to amend CCRs not passed.

- HOA hired landscaper will provide weekly mowing and trimming of grass on areas not enclosed by a fence as permitted by weather during the summer. This includes empty lots.
- HOA hired landscaper will fertilize with weed and feed in April and iron fertilizer in July as well as aerate in the spring – usually in April.
- HOA hired landscaper will shovel snow on front walk ways and sidewalks at 2 inches of accumulation, and on driveways and alley ways not owned by the Town at 4 inches of accumulation.
- Rock and flower beds and areas along fence line are to be kept weed free and is the responsibility of the homeowner.
- Care of, replacement of and watering of bushes, flowers, shrubs, trees, etc. inside homeowner property lines is the sole responsibility of the homeowner. For homes bordering parks, homeowners are responsible for any of these items located within the property line of their lot. All other areas are the responsibility of HOA hired landscaper.
- All landscaping within homeowner lots shall be kept clean and well maintained.
- Sprinkler system repair and/or replacement – including manifolds, lines, etc. - within homeowner property lines is the sole responsibility of and will be paid for by the homeowner. Any damage to systems by the HOA hired landscaper will be fixed and paid for by the landscaper. Homeowner must contact the HOA management company to report any damage and be put in contact with hired landscaper.

Lattice Work – DRC approval required.

Lights and Lighting – Conventional style with illumination patterns that do not cause a nuisance to neighboring properties.

Overhangs (Cloth or Canvas) – DRC approval required. Color must be the same as or generally recognized as a complementary color to the exterior of the residence. The covering may be used over a patio only. No aluminum or fiberglass awnings are allowed.

Painting – All houses shall be kept well painted in colors following DRC guidelines.

Patio Covers – DRC approval required. Must be constructed of wood or material generally recognized as complementary to the home and similar or generally recognized as complementary in colors to the colors of the home.

Patios (Enclosed) – See Additions and Expansions.

Patios (Open) – DRC approval required. Patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. Must be similar to and generally accepted as a complimentary color and design of the residence. Must be located so as not to block any existing drainage pattern on lot.

Paving – DRC approval required regardless of whether for walks, driveways, porches, patio areas or other purposes and regardless of whether concrete, asphalt, brick, flagstone, stepping stones, pre-cast patterned or exposed aggregate concrete pavers are used as paving material. Must be located so as not to block any existing drainage pattern on the lot.

Play and Sports Equipment – DRC Approval required. In general, all play equipment trampolines and other sports equipment shall only be allowed in the rear of a residence. The DRC may require reasonable screening from the street.

Playhouses – DRC approval required.

Pools – DRC approval required for any in-ground swimming pools or portable children's pools larger than 12' in size. Swimming pools must be located in the rear yard of residence only. It is strongly recommended that some form of protection be installed on top of or surrounding any and all swimming pools (such as fencing – also subject to DRC approval) to protect against accidental drowning.

Retaining Walls – DRC approval required.

Roofs – DRC approval required. All roofs shall be, at a minimum, at least a 30 year warranty composition shingled roof. Weathered Wood color only.

Rooftop Equipment – Not allowed.

Satellite Dishes – Microwave and/or satellite television dishes are permitted as long as they are 18" in diameter or smaller and on the side or rear of a residence.

Sauna – DRC approval required.

Seasonal Decorations – Seasonal decorations are permitted with the following qualifications and conditions: a) Christmas decorations shall not be displayed prior to Thanksgiving and must be removed by January 31st of the following year; b) other holiday decorations shall be removed within one week after the celebrated holiday; c) no decorations shall be displayed in such a manner as to be offensive to the neighborhood or create a public nuisance.

Signs – All signs require DRC approval, except temporary real estate “for sale” signs. These temporary signs advertising property for sale shall be no larger than 5 square feet in size. Political signs are allowed to be placed two weeks prior to an election and must be removed within three (3) days after election.

Solar Energy Devices – DRC approval required. Devices must be designed to appear as if they are an integral part of the roof. Every attempt shall be made to mount such devices on the back side of the roof if possible, to minimize visibility from the front of residence.

Swamp Coolers – ~~Not allowed.~~

Swing Sets – Swing sets only require prior DRC approval if they are a “permanent structure”. See also Play and Sports Equipment.

Temporary Structures – Not allowed.

Trash Bins – Trash is provided by Gallegos Sanitation and is paid for by your HOA dues. Trash and recycle bins shall be removed from sight and put up within 24 hours of pickup.

Vehicles –

No lot shall be used as a parking or storage area for vehicles or materials of any kind, other than personally owned automobiles of the owner.

No campers, trailers, motor homes, buses, tractor/trailers, RVs, all-terrain vehicles, snowmobiles, motorcycles, or boats shall be stored on the property unless enclosed in a garage.

No motor vehicles or machines will be overhauled or rebuilt on any portion of the property, unless entirely enclosed in a garage.

Wells – Not allowed.

IN WITNESS WHEREOF, the undersigned, as President of the Gateway Park Residential Community Association certifies that the Executive Board adopted these Residential Improvement Guidelines on the ____ day of _____, 2016.

Association Board President