

MESA

PARK

**VILLAS AT MESA PARK
HOMEOWNERS
ASSOCIATION**

DESIGN

GUIDELINES

sports equipment, and other site improvements for all Lots.

SECTION 1: INTRODUCTION

These Design Guidelines have been prepared to communicate the developer's objectives for appropriate home construction within the Mesa Park community. It establishes the framework for these objectives and describes the necessary steps for architectural review and approval as well as establishes various community standards that will help maintain an upscale, custom home community.

1.1 Project Overview.

Mesa Park is envisioned as a luxury home community incorporating over 4.4 acres of coveted front range property within a hillside area.

The hillside area was established to focus special attention on the protection of hillsides, slope stabilization and to maintain the natural environment. To that end, certain areas on the recorded plat map may be designated as geotechnical areas requiring soils testing, or no-build areas that may not be built on due to existing animal life, natural constraints such as natural drainage areas or steep slopes.

1.2 The Purpose of Guidelines.

The purpose of the Mesa Park Design Guidelines & Community Standards (hereafter referred to as "Guidelines") is to give direction to both the builder and the homeowner in preparing plans that will implement appropriate land use practices, promote design excellence, and make improvements that enhance the appearance of this quality neighborhood.

The Guidelines apply to all Improvements within Mesa Park including site planning, architectural design, landscape design, fences, walls, signage, lighting, play and

Design is a complex process, balancing many issues. These Guidelines endeavor to balance the immediate wishes of an owner with the long-term responsibilities to the community and the environment. The Guidelines are not intended to be rigid regulations, nor are they intended to promote a particular type of design. Variations from these Guidelines may be appropriate when weighed against other considerations.

The Guidelines work in conjunction with the Declaration of Protective Covenants for Mesa Park, recorded May 31, 2007 at Reception No. 207073007 (the "Declaration"). If there is any conflict between these Guidelines and the Declaration, the Declaration shall prevail.

The Guidelines do not supersede or modify any existing applicable codes or ordinances. Neither the Developer nor the Architectural Control Committee assumes responsibility for assuring the conformance of Improvements to applicable local codes and ordinances.

The Guidelines do not supercede adopted regulations and ordinances of applicable jurisdictions and agencies, but they may be more restrictive.

1.3 Administration of the Process

In order to maximize aesthetic benefits to the neighborhood, all proposed exterior home and site improvements shall be evaluated by the Architectural Control Committee (hereafter referred to as the "Committee"), using these Guidelines along with the other governing documents of Mesa Park. The evaluation will attempt to ensure that all proposed improvements meet or exceed the requirements of the Guidelines and promote a quality design for the neighborhood. The specific duties and

powers conferred on the Committee are set forth in the Declaration.

1.4 Legal Authority

The Guidelines are given their legal authority through Section 8.7 of the Declaration.

1.5 Interpretation

The Guidelines are subject to interpretation by the Committee, recognizing that it is not feasible for every possible scenario to be defined in this document. The Committee is, therefore, given broad authority to interpret the intent of these Guidelines and apply that basis to submittals of improvements that may not be fully established in these Guidelines.

1.6 Definitions.

Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declaration.

SECTION 2: DESIGN REVIEW PROCESS

The builder, homeowners, contractors, subcontractors and/or their designated representatives shall comply with the following design review procedure in order to gain approval for any proposed improvement(s) to property within Mesa Park.

All construction that is to be undertaken in this neighborhood, with the exception of improvements made by the Declarant, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements, all plans are subject to review under the Guidelines by the Committee.

2.1 Plan Submittal.

Plan submittal for lot improvements must include one set of plans which will be retained by the Committee.

The submittal for home construction, home modification, or proposal of any other ancillary structures shall include the following detail:

A. Site Plan of the lot at a scale of 1" = 20' which includes:

1. The legal description and street address of the property
2. Existing and proposed contour lines at 2' intervals extending to all property lines
3. Building footprint, main level finish floor and garage slab elevations.
4. Existing street elevation(s); culvert size and detail pertaining to the type of end treatment.
5. Finish grade at all building corners
6. All paved areas including walks, patios, and proposed retaining walls
7. Applicable easements and setbacks
8. Proposed fencing, if any.

B. Architectural Plans at a scale of 1/4" = 1' including:

1. All exterior elevations
2. Floor plans, showing the square footage of each floor
3. Roof plans indicating roof pitch, ridges, valley and location of any mounted equipment.

4. Wall sections and exterior details, including items such as chimneys, exterior stairs and decks, railings, and supports.

C. Color samples of all finished exterior materials and colors. Colors must identify color designation and manufacturer; samples of siding, roofing and other materials are strongly encouraged and may be required at the request of the Committee

Subsequent Submittals: Submittals by Owners (after initial construction of the residence) require a site plan showing the placement of the improvement (at not less than 20-scale), brochures or renderings of the improvement being proposed, along with dimensions, color information and any other information the Committee may need to make a complete evaluation of the plan.

D. Landscape Submittals.

Plan submittal for proposed landscape shall include the following detail:

Site plan of the lot at a scale of 1"= 20' which includes:

1. planting plan indicating all existing and proposed plant/tree types, locations and sizes, including all plants and/or trees to be removed
2. indication of areas to be irrigated with none allowed on the hill side of house.
3. definition of all proposed non-living ground cover (type of rock mulch or wood mulch) to be used
4. identification of turf areas as well as any area reseeded with native grasses
5. height of any proposed berms.
6. proposed location of fencing, if any

E. Other lot improvements

Other proposed lot improvements shall be submitted to the Committee providing adequate information for placement, size, material, and color.

2.3 Review Fees.

Review fees, authorized in Section 8.4 of the Declaration, will be required to be submitted at the time of plan submittal. These fees are subject to change.

The review fees pertain to any changes that are made to the original installation of landscaping. Review fees will be required before installation of landscaping on the lot.

Application fee: \$200

- Includes: Fence (dog run) or Screen
Deck/Patio addition or extension
Ancillary structures
Home additions

General Improvement Application: \$75

- Includes: Play structures
Sports Equipment
Exterior Lighting
Exterior home repainting
(The above lists are for purposes of giving examples; not intended to be an all-inclusive list of applicable submittals).

Submittal fee for an improvement application submitted after construction of the improvement has commenced: Double the above-noted application fee.

The Committee has NO obligation to approve improvements that are installed or started prior to plan review and approval. Higher submittal fees are required due to additional time typically required to manage such submittals and as a deterrent to an Owner's failure to utilize the required process obligated of all owners.

2.4 Action by the Committee

The Committee will meet regularly to review all plans. The Committee may require submission of additional materials and may postpone action until all required materials/information has been submitted.

The Committee will contact the applicant in writing or by phone (if information is provided) if the Committee feels that additional information is necessary.

The Committee will act on the plans within 15 days after receipt of all materials requested, unless the time is extended as provided below by the Committee or as thereafter extended by mutual agreement of the Applicant and the Committee (the "Committee Deadline"_. A written response of the Committee's decision will be sent by mail within five (5) business days of the Committee's decision. Failure of the Committee to provide the Applicant with a written decision by the Committee Deadline shall be deemed to be approval of the applicable application.

The Committee may extend the 15-day initial Committee Deadline up to an additional 20 days, upon notification of the Applicant.

2.5 Construction Period Reviews and Requirements.

The Committee and the Board shall have authority to enforce the provision of these Guidelines.

The Committee (or its representative) may inspect work in progress to ensure that the construction complies with any and all approved plans and construction procedures, and may give notice of non-compliance during the construction process.

The Committee may withdraw approval of any project and require all activity at such project to be stopped if deviations from the approved plan or approved construction practices are not corrected or reconciled with ten (10) days after written notification to

the Builder or Owner specifying such deviations.

Lack of such an inspection/ notification does not constitute approval/ compliance with the Guidelines or the Declaration. Committee inspections are in addition to standard inspections required by other jurisdictions.

Construction must begin within nine (9) months from the date of final approval. All construction must be completed within 18 months from commencement. All final approvals are valid for a period of nine months. If construction does not commence within that time, the approval shall be deemed withdrawn and a new application must be submitted.

2.6 Field Changes.

Changes that must be reviewed are those that affect or change any of the exterior elevations, colors or materials or site plan as previously reviewed and approved by the Committee. Should any change occur, it is the responsibility of the applicant to contact the Committee and explain the nature of the proposed change, in order to receive a determination if an additional review is required.

2.7 Compliance with Other Jurisdictions.

Approval of plans by the Committee shall not constitute compliance with the requirements of building, zoning, safety, health or fire codes, setbacks, height restrictions, or other requirements unless such waiver or variance is requested at the time of submittal and provided that the Committee and local jurisdictions may properly grant the waiver or variance.

2.8 Variances.

The Committee shall have the authority to grant a variance from the terms of these Guidelines, subject to terms and conditions which may be fixed by the Committee and will not be contrary to the Declaration. Any

waiver or variance granted shall be considered unique and will not set any precedent for future decisions.

All determinations of the Committee shall be final and binding and neither the Committee nor the Association, nor their respective members have any liability for granting or denying any variance request.

Variations must be granted in writing, reflecting signature of a majority of the members of the Committee to be effective. Refer to Section 8.8 of the Declaration for additional information on variances.

2.9 Non-Liability

Committee approval pursuant to these Guidelines does not approve or guarantee engineering design or compliance with law and applicable governmental ordinances or regulations (such as zoning and building ordinances), and does not reflect any representation by the Committee as to such matters.

By approving plans and specifications, neither the Committee, its members, the Association, nor the Declarant assumes any liability or responsibility for engineering design or compliance with law and applicable governmental ordinance or regulations or any other matter related thereto, other than this Guideline.

Neither the Committee, its members, its agents, the Association, the directors of the Association, the Declarant, nor any successors, assigns, agents, employees or officers of them shall be liable to any Owner or other person for any damage, loss, or prejudice suffered or claimed on account of (1) approval or disapproval of any plans, (2) performance of any work, whether or not pursuant to approved plans, drawing and specifications; or (3) development of any property within the subdivision.

Neither the Committee nor its assigns shall be liable in damages to anyone submitting

plans to them for approval, or to any Owner by reason of mistake in judgment, negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval or failure to approve any plans or specifications. Every Owner or Person who submits plans to the Committee for approval agrees that they will not bring action or suit against the Committee or its individual members to recover damages.

SECTION 3: CONSTRUCTION PERIOD REGULATIONS.

The following regulations shall be enforced during construction.

3.1 Non Waiver.

Any approval by the Committee of drawings, specifications or work done or proposed, requiring approval under these Guidelines or the Declaration including a variance by the Committee, shall not constitute a waiver of the right to withhold subsequent approval for any other or different matter. An oversight by the Committee of non-compliance at anytime during the review process, construction process or during its final inspection, does not relieve the Owner(s) from compliance with these Guidelines and all other applicable codes, ordinances, and laws.

3.2 Construction Limits.

The Builder has the obligation to protect the natural areas of the Lots beyond the limits of the building envelope from damage during construction. Disturbance from construction activities outside of the building envelope must be returned to its original condition.

3.3 Excavation.

Excavation, except for utility trenching, shall be on the Owner's site only. Contractors must follow the approved grading plan.

3.4 Debris and Trash Removal.

A. Burning is not allowed on any construction site.

B. Owners or contractors shall clean up all trash and debris on the construction site DAILY. A trash container shall be located on each building site at all times for containment of lightweight materials, packaging, or other trash materials which may blow off the site. (The Committee can require a cover to be provided.) Containers shall be removed from each construction site regularly to avoid allowing containers to be overfilled.

3.5 Pets by Contractors.

Contractors shall be prohibited from bringing dogs and other pets to the construction site.

3.6 Storage of Materials and Equipment.

Owners and contractors are permitted to store construction materials and equipment on the construction site during the construction period. It shall be neatly stacked, properly covered and secured. Storage of materials or construction equipment outside the approved construction site may be done only with approval of the Committee.

A storage area and equipment area will be allowed for the developer until the last lot is sold.

3.7 Hours of Construction.

Construction activity shall be conducted between the hours of 7 a.m. and 7 p.m. per Colorado Springs' City Ordinance. Construction exceptions may be considered by the Committee.

3.8 Dust, Noise, and Odor.

Dust, noise, and odors caused by construction should be reasonably controlled by the Contractor. These controls include watering down dust-producing soils and using reasonable management of noise (e.g. radios) and offensive odors (e.g. having portoplets cleaned regularly).

3.9 OSHA

All applicable OSHA regulations and guidelines must be strictly observed at all times.

3.11 Construction Access

From time to time, the Declarant may designate specific points for exclusive and limited use by construction vehicles. Prompt cooperation is expected by the Builder and their respective Contractors. It is the responsibility of the Builder to monitor the compliance of their Contractors.

3.12 Vehicles/Parking by Contractors

Contractor vehicles must be parked so as not to inhibit traffic or damage surrounding natural landscape. Contractor vehicles may not be left on community roads overnight.

The Committee may designate specific areas for parking of contractor vehicles and/or equipment.

3.13 Blasting

If any blasting is to occur, the Contractor shall be responsible for informing ALL residents in the proximity of the blasting home site in advance of the occurrence.

3.14 Restoration and Repair

Damage to any property other than the Lot Owner's property shall be promptly repaired at the expense of the person or entity causing the damage. All trails and roadside

drainage ditches shall be repaired to their original state, including the re-graveling of trails and reseeded of ditches and replacing erosion control fabric, rip rap, etc., as necessary.

SECTION 4: LOT IMPROVEMENT STANDARDS

4.1 Lot Grading and Drainage.

A. Drainage. Lots shall be graded to provide positive drainage away from all houses and towards the street, or other applicable drainage facilities as reflected on the approved drainage plan for the area. Drainage shall not be adjusted, blocked or redirected from the grading plan approved by the City of Colorado Springs.

Any damage to areas outside a Lot caused by construction activity of the Owner or Builder or damage caused by improperly changed drainage patterns shall be repaired at the Owner's or Builder's expense.

B. Berming. Berming may be used to soften the impact of structures, as well as to provide screening and spatial separation between adjacent dwellings or roadways. The height of berms may vary, but slopes shall be limited to a maximum of 3:1.

C. Slope Requirements and Erosion Control. Slopes shall be limited to 3:1. Retaining walls or other acceptable alternatives must be used to maintain slopes at 3:1 or less.

Builders and Owners may be required to provide adequate temporary erosion controls during the construction of site improvements and buildings. Preventative measures such as temporary barriers (hay bales and silt fences) and temporary drainage structures (sediment ponds) may be used. All disturbed soils and slopes shall be maintained in a clean and orderly condition by the Owner or Builder.

D. Utility Easements. Fences, landscaping and other features may be located within utility easements provided they do not interfere with the use, operations or access to such easements. Verify easements and allowable uses within these easements with the appropriate utility company. No Improvements, including without limitation, fences, hedges, trees, shrubbery or landscaping, may be constructed within any Corner Easements, other than approved landscaping which shall at no time obstruct visibility at the intersection and which will not be permitted to exceed three feet (3') in height at any time.

4.2 Single-Family Development Standards

The Single-Family Development Standards are intended to create a quality living environment for Mesa Park. The standards are based on the City of Colorado Springs development standards in the Zoning Code. In some cases, the standards for Mesa Park may be more restrictive than City standards.

4.3 Building Setbacks.

The Mesa Park Development Plan establishes the minimum building setbacks based on PUD zoning, which unless indicated otherwise are:

Front: 18'

Sides: 7'

Rear: 20'

4.4 Drainage/Utility Easements.

It is important to preserve the natural existing topography and maintain the natural drainage ways. The building centrum has been located to minimize grading and to avoid existing primary natural drainage. Excessive grading for construction should not be necessary and is not desirable. It is expected that lot improvements will be designed so that

structures complement the natural terrain rather than adjusting the grade to fit the structure, whenever possible.

4.5 Building Height

Building height and profile for homes should be in scale with the surrounding structures and topography. The maximum height of any Home or other Improvement shall not exceed 35 feet (35') measured in accordance with City of Colorado Springs Hillside Zoning Ordinance.

4.6 Projections into Setbacks.

Encroachments or projections into setbacks for architectural features such as chimneys, decks, and patios are subject to the City Zoning Code and any applicable City ordinances or regulations and must be approved by the Committee. Deviations requiring a variance must be approved by the Committee prior to submittal to the City.

No encroachments may be permitted into any utility easements, except as allowed by the utility company.

4.6 Driveways/Culverts.

Access driveways should generally follow the natural contours of the site. All driveways are to be paved with asphalt, concrete or an upgraded material and provided with a backup area to permit driving forward into the street when possible.

Access to lots 1 and 2, shall be achieved from the shared 14' private access easement; direct street access is prohibited.

4.8 Garage Requirement

A. Attached garages (2 car garage minimum) are required for all homes within Mesa Park and side loading is preferable.

B. All garage doors shall be equipped with automatic remote control openers. The garage doors should be kept closed except for immediate ingress or egress to avoid inviting theft and to maintain the aesthetics of the neighborhood.

C. Carports or other open, unenclosed structures intended as storage or parking of vehicles are not permitted.

SECTION 5: ARCHITECTURAL DESIGN

5.1 Architectural Detailing

The Committee has been given wide discretion regarding the comments on the architectural detailing of proposed homes in Mesa Park and will vary based on the home's visibility from streets and common areas. All homes shall demonstrate a "Prairie Ranch" or "Craftsman" theme, using crafted materials and architectural elements unique to the western style of architecture.

5.2 Building Wall Materials.

When applying dissimilar materials on exterior elevations, logical termination points should be identified. The return on outside corners of dissimilar materials (e.g. brick or stone on a stucco surface) shall be a minimum of 2 feet.

Exposed concrete (e.g. exposed foundation walls) shall be stuccoed or concealed with another material, subject to plan approval.

5.3 Decks, Balconies and Covered Patios

*Outdoor living is one of the great advantages of a home in Mesa Park. The design of elevated decks and balconies, including carefully selected colors and materials, shall be planned as an extension of the home design and become an integral

part of the landscape architectural design, not appearing to be tacked on.

*Deck columns and supports shall appear substantial and be proportionate to the building mass of the home. Deck supports should be made of the same materials used in the construction of the home.

The use of natural materials (e.g. stacked stone) is encouraged for constructing landscaped terraces, softening the appearance of ground areas at the base of deck supports.

5.4 Exterior Colors.

Committee approval is required prior to any exterior painting or repainting of the home and ancillary structures. The submittal must contain the manufacturer's paint chip(s) with name and code number.

Approval will take into consideration, but not be limited to, the color's tone and brightness, the architectural style of the home, stone selection, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties.

Downspouts must be painted to match the surface to which they attach, causing them to "disappear." Exception is given to copper downspouts or other upscale materials, as approved on a case by case basis.

5.5 Exterior Lighting

Lighting design should enhance the appearance of the home while taking into account the effect on neighboring homes.

A. Committee approval is required to change or add any exterior lighting, other than the standard lighting plan approved by the Developer for Mesa Park.

B. Exterior lighting for safety purposes is necessary and encouraged; however,

exterior lights must be placed within a canister, avoiding exposed bulbs. Sodium lights are prohibited. Floodlights for the purpose of lighting large areas shall not be permitted except for security purposes with limited use, or where approved by the Committee by exception.

C. Flood lighting for security uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties. White/clear light must be used; no color bulbs. Lights should only be turned on when absolutely necessary. Photo cells for flood lights are prohibited.

D. In reviewing lighting requests, the Committee will consider the visibility, style, brightness, location and quantity of the light fixtures. Cut sheets must be submitted for Committee review.

E. Unless otherwise approved by the Committee, the lighting at the street shall be a maximum combination of 60 watts per fixture or shall have the bulbs shielded from direct view.

F. Colored or multiple hanging lights, other than those decorative lights displayed between November 15th to January 15th, are prohibited.

G. The use of landscape up-lighting or down-lighting is encouraged. Lighting that causes glare, discomfort or disrupts the visual environment of neighboring lots is prohibited.

5.6 Roof Materials and Colors.

Roof materials may be varied, but the goal is to use earth tones or muted colors and appealing textures. The roof is the most prominent feature of the home. Careful

selection of color and texture of natural or man-made material is critical.

A. All roof materials shall be Class-A fire rated. Clay tile, concrete composite tile or slate or synthetic equivalent are preferred materials. Metal roof accents are permitted, but cannot exceed 10% of the total roof. Wood shingles are not permitted.

B. Roof color must be complementary to other colors on the home and be consistent with the architecture and exterior wall material(s) of the structure.

C. Flues and vents above the roof must be painted to match the roof color of the home.

D. Committee approval is required if roof material or color is changed. If re-roofing occurs using the same roof material (and color) as previously installed, no submittal is required.

5.7 Roof Form.

The roof form is the most prominent visual element of a home and central to define its architectural character. Therefore, the form and materials used to create a building's roof will be carefully reviewed by the Committee.

Styles such as gable, hip, and shed roofs will generally be acceptable for residential construction, while mansard, flat and A-frame roofs are not allowed. Care must be given when combining roof forms to maintain the integrity of the architectural forms.

Well-detailed fascia and eave treatments serve to frame the roof as a strong design element.

Roofing materials must be considered with respect to harmony of color and texture with other materials on the home and adjacent properties. All extensions from the roof, such as chimneys, flues, roof vents, gutters, and skylights must be carefully located and

finished to complement other elements of the design.

SECTION 6: LANDSCAPE DESIGN & PROPERTY IMPROVEMENTS

6.1 Landscape Installation Timing.

A landscape plan must be submitted to the Committee for approval prior to installation. Notwithstanding the 6 month period provided for in the Covenants for installation of landscaping, the Committee hereby extends the time period for installation of landscaping as follows: All landscaping shall be completed no later than one year after receipt of a Certificate of Occupancy or occupancy, whichever occurs first, subject to an extension approved pursuant to this Section 6.1.

Upon request, the Committee will consider and may grant an extension of this one year period should extenuating circumstances exist or based on the timing of the home closing. It is the responsibility of the Owner to request an extension if landscape completion is not possible due to weather conditions or other circumstances.

6.2 Landscape Plan Submittal.

Approval shall be obtained prior to installation of any landscaping or any other site improvements, including, but not limited to, dog runs, play equipment, fencing, deck or patio additions, and site lighting.

The landscape plan should be done at a minimum scale of 1"=20' and should depict the property lines of the lot, the footprint of the home and any existing vegetation or improvements, including ancillary structures, driveways, walkways, decks, etc.

All proposed plan locations, types, quantities and sizes, location of turf and other groundcover materials should be shown on the plan and labeled. The plan should exhibit grading and layout of all additional landscape improvements such as

berms, walks, and structures not covered under the Architectural Plan Review.

6.3 Landscape Requirements.

The majority of each Lot shall be maintained in the natural state as nearly as possible, Sod lawns may be allowed in disturbed areas adjacent to the homes or by special review. Some type of formal/semi-formal landscape is required in the front of the home; however sod is not required.

Large expanses of non-living ground cover (e.g. rock mulch, wood mulch) without the addition of plantings are not permitted. Xeriscape landscape techniques are encouraged, which groups plant materials of like-water usages together to maximize water use and promote healthy plant growth.

Underground irrigation, conserving against water waste, shall be used in all turf area and planting beds. (Landscape plans are not required to show the detail of the irrigation plan.) Drip irrigation is strongly encouraged in planting beds and to trees planted on the property.

6.4 Yard Ornamentation.

Yard ornaments and other non-plant, bush or tree items, including without limitation to birdbaths, birdhouses, fountains, sculptures, statues, and ornamental flags require Committee approval. In general, these items should be planned for rear yard placement and **may not be approved for front yard display.**

Patio furniture and barbecue grills do not require Committee review or approval.

6.5 Trees.

Trees are a valuable asset of the Mesa Park community. An Owner must obtain written approval from the Committee to remove any

surface boulders, scrub oak, or natural vegetation from any Lot or to clear any trees on any Lot, except dead trees, trees that have been pruned, or for the reasonable thinning of trees having a diameter of four inches (4") or less, for infestation control, or for compliance with the Wildfire Mitigation plans set forth in the Development Plan.

6.6 Site Triangle Protection.

Owners of Lots situated at street corners shall be responsible for maintaining an unobstructed line of sight within the sight triangle for vehicular traffic. No fence, wall, hedge, tree, shrub (having a height greater than 3 feet), or other structure shall be permitted on any corner formed by the intersection of streets.

The Committee shall be the sole judge of whether an obstruction or safety hazard exists or may be caused by proposed or existing improvements.

6.7 Fencing

The preservation of the natural environment of Mesa Park will be best realized with no fencing installed, maintaining the openness of the area. Therefore, fences are discouraged so as to encourage open space.

Non-combustible split-rail fencing may be used, if needed in limited areas subject to the discretion of the Committee. Fences which restrict the free flow of wildlife may not be used.

Fences should be designed so that they appear as part of the home and shall be designed with materials and configuration that compliments the property improvements as a whole. Fence design and placement must receive plan review and approval prior to installation.

Caution! Fences which are not approved by the Committee may be removed by the Association at the Owner's expense (after notice and opportunity is given to the Owner) and such expenses may be collected as a Site Assessment against the applicable Owner and Lot.

Fencing standards intend to define the height, size, color, location, and material composition of all fences. Consideration shall be given as to the types of fence in relation to the architectural design of the primary dwelling and the overall appearance in the community. The following criteria must be complied with:

Dog Run Fencing: The use of underground electronic fencing is strongly encouraged to promote the open character of the neighborhood. Electric fencing is limited to rear and side yard placement.

Dog runs are restricted to rear yard placement with a maximum of 200 square feet permitted. The run area must be at least 5 feet from the side property line and be located immediately adjacent to the home. In no case shall the run exceed a height of 5'.

The Committee may require the use of landscape material to buffer the visibility of the run. Dog runs must be adequately screened and generally not visible from adjacent properties and community streets.

Privacy Fencing: The Committee may allow solid privacy fencing surrounding or shielding patios or decks on a case by case basis. The location and size of the privacy fence shall be determined based on its impact to adjacent properties and community streets.

6.8 Retaining Walls.

Retaining walls shall be as low as possible, not to exceed 4 feet in height unless specifically approved by the Committee and properly engineered. Grade changes which

require retaining walls shall be terraced, with a minimum separation between walls of 3', and include landscaping between the walls to soften the visibility of the wall.

Walls must be properly anchored to withstand overturning forces and should incorporate weep holes to allow for proper drainage behind the wall. Care must be taken not to alter existing drainage patterns unless specifically approved by the Committee.

Acceptable finish materials for retaining walls include natural stone, and masonry (except grey precision block). The use of boulders and dry set stone is highly recommended. Other materials that are consistent with the natural surroundings and the architecture of the primary dwelling may be considered on a case-by-case basis. Wood timbers and railroad ties are not an acceptable retaining wall material, unless expressly approved by the Committee for a particular location.

All concrete-backed retaining walls should be waterproofed and must be adequately drained on the uphill or surcharge side.

6.9 Gardens.

Gardens (vegetable or herb gardens) shall be planted in the rear or rear/side yard so that both the garden and its accessory operating areas are substantially screened from view of adjacent homes and open spaces. Tall plants exceeding 4' in height, such as corn and sunflowers, must be completely screened from view and are not encouraged.

Gardens shall not be placed within a drainage easement or a drainage swale. In addition, gardens shall be maintained at least 5' from the foundation of the home due to the watering needs of garden plants.

SECTION 7: OTHER PROPERTY IMPROVEMENTS

7.1 Ancillary Structures.

The following standards shall apply to ancillary structures in Mesa Park:

A. Ancillary structures shall be similar in architectural style to the home and shall be painted or stained to match the home unless specific written authorization is given by the Committee for a variance. Roof materials shall match the roof material of the home.

B. Ancillary structures such as a greenhouses or a child's playhouse shall be considered on a case-by-case basis; garden sheds are not permitted.

C. Gazebos shall be limited to 12 ft. in height.

D. Ancillary structures shall generally be placed in the rear yard; structures are not permitted within building setbacks or easements.

E. Ancillary structures proposed on highly visible lots (e.g. corner lots) shall include consideration based upon the visual impact of the improvements to community roadways. Additional landscape may be required at the discretion of the Committee.

F. Consideration of visual impact upon adjacent residences shall be given on all ancillary structures.

7.2 Antennas and Telecommunications Equipment.

A customer-end antenna that is (i) designed to receive direct broadcast satellite service that is one meter or less in diameter, (ii) designed to receive video programming services via multiple distribution services that is one meter or less in diameter or diagonal measurement, or (iii) designed to receive television broadcast signals, all as

defined by the Federal Communications Commission or the Telecommunications Act of 1996, as may be amended from time to time (collectively, "FCC Protected Structures"), shall be permitted so long as the antennae is not installed on a roof ridge line of an Improvement and all other means, method and location of such antennae comply with the rules adopted from time to time by the Architectural Committee. No unreasonable delay or unreasonable increase in the cost or installation or maintenance of an FCC Protected Structure shall be imposed by such rules, nor shall the rules prevent reception or otherwise make reception impossible for any Owner who shall seek to install an FCC Protected Structure, other than for health and safety reasons. Notwithstanding the above, no antenna used to transmit signals to, and/or receive signals from, multiple customer locations will be permitted.

The Telecommunication Act provides that an Owner does not need to acquire Committee approval for installation; however the Association does and is permitted to ask each Owner to register their equipment using the form attached to these Guidelines (see Appendix).

7.3 Clotheslines.

Outdoor clotheslines or other facilities for drying or airing clothing or household goods are not permitted. Laundry may not be dried or hung outside any home or other Improvement.

7.4 Recreational Equipment.

A. Sports equipment, recreational equipment, play structures, and swing sets ("Recreational Equipment") require the approval of the Committee prior to installation on any Lot. Such equipment shall not be permanently placed in the front yard of any Lot.

B. A portable apparatus may be approved for use on the driveway of a Lot. At no time are portable units to be placed on community roadways for play due to the potential hazard liability to both the Owner and the Association.

C. Recreational equipment exceeding 8 feet in height shall require approval of height, color, and placement, all of which should minimize visual impact upon neighboring Lots. Generally, play structures having mass greater than 8' in height should include non-mass supports or fabric canopies which are solid in color (versus stripped fabrics) and earth tone (green preferred). Massive wood structures having wooden canopies are discouraged and will be considered on a case by case basis, depending on the visual impact to adjacent properties.

7.5 Mailboxes.

Cluster mailboxes are required by the U.S. Postal Service.

7.6 Flags/Flagpoles.

Owners must obtain approval for the location of a permanent flagpole. Flagpoles shall not exceed 20 feet in height.

Owners may display a standard pole-mounted United States or Colorado state flag from the residence.

The approval of flag display shall obligate the Owner to use discretion in the display of their flag(s). Particularly during times of moderate weather when Owners have their windows open in the evening, "snapping" flags in the wind can become a nuisance that can rob a household of rest. Flag display approval may be withdrawn if repeated complaints are received and substantiated as a nuisance to others.

7.7 Dog Houses.

Committee approval of the materials, dimensions and placement of dog houses is required. Generally, such structures shall be placed in the rear yard and shall be visually minimized.

7.8 House Address Numbers.

A maximum of two sets of address numbers may be displayed for each property. Address numbers may be placed on a light post and on the residence. The address numbers shall not exceed a total of one square foot for each number. Address numbers located at the driveway shall be on an approved fixture. At least one address shall utilize a photocell.

7.9 Painting/Repainting

Changes to the exterior color of a residence or accessory structure must be approved by the Committee, PRIOR TO INSTALLATION. The home may be repainted without Committee review if the home is being repainted the same color as previously approved.

7.10 Utility Lines

All utility lines, including service lines of any kind or nature, shall be placed underground. However, the Declarant is not obligated to remove or place existing poles/lines underground.

SECTION 8: COMMUNITY STANDARDS

8.1 Grounds Maintenance.

A. Within the applicable time period provided for in Section 6.1, all yards and open spaces within a Lot must be landscaped and thereafter maintained by the Lot Owner in a pleasing condition that is consistent with other Lot landscaping within the development.

B. All brush within a Lot must be pruned of dead limbs and trees thinned as needed from time to time to maintain a fire-safe and environmentally attentive community.

C. Owners in Mesa Park are responsible for prompt treatment or removal of trees infected by pine beetle or other insects which can kill trees within a year and threaten spread of the disease to adjacent trees and Lots. Owners shall properly treat any trees with a slow parasitic growth, such as mistletoe, to prevent spread to adjacent trees and properties.

D. The Association shall have the authority (but not the obligation) to enter a lot to perform landscape maintenance that the Owner fails to maintain, including removing dead or dying trees at the Owner's expense, but only after 10 days written notice to the applicable Owner.

E. All lots shall be kept free from noxious weeds and free from brush and other growth or trash which, in the opinion of the Association, causes undue danger of fire. If requested by the Association, an Owner will be obligated to undertake whatever action is deemed appropriate to remedy any of the above-described conditions within his Lot.

F. The Association will undertake the maintenance described in Schedule A.

8.2 Nuisance.

A. Owners are responsible for ensuring that activities held on their Lot do not become an unreasonable annoyance or nuisance to the neighborhood. Activities which generate a noise level sufficient to interfere with the reasonable quiet enjoyment of the persons on any adjoining or nearby Lot are not acceptable.

B. Horns, whistles, bells or other sound devices (except security and fire alarm devices used exclusively for security purposes) are not permitted. Outdoor stereo speakers may be installed provided

that the Owner has obtained approval of the Committee and maintains sound levels that are not objectionable to neighbors.

C. Motorized trail bikes, mini-bikes, off road motorcycles, all-terrain vehicles, snow-mobiles, and other such vehicles shall not be operated within the Community.

8.3 Parking.

In a time when families have more vehicles per household than ever before, having reasonable standards for parking is important to protect the appearance of the Community and avoid a cluttered appearance on Lots.

A. Owners shall use their garage for the parking of their automobiles (in contrast to using the garage as a storage area or workshop that negates the opportunity to park inside the garage.) The driveway may not be used for storing vehicles that are unused, unusable or kept for purposes other than regular use. Motor vehicles stored within the Community shall be placed in an enclosed garage or other approved structure. An "unused vehicle" is defined as any vehicle which is not properly licensed or in drivable condition, as determined by the Association.

B. Recreational vehicles (e.g. boat, trailer, camper, RV), utility trailers, and commercial vehicles must be parked in an enclosed garage or stored off site.

C. The Declarant or the Association may issue a parking permit from time to time for temporary parking needs as the Declarant or Association deem reasonable.

D. Pickup trucks having one-ton or less manufacturer's rated capacity and passenger vans for private use of the residents of a home as primary transportation on a day-to-day basis shall not be considered trucks for the purpose of the foregoing restrictions.

Exception is given to emergency vehicles that comply with all of the specifications of Colorado's state statute (SB-100).

E. Unauthorized vehicles parked in violation of these standards shall be subject to being towed if not relocated after notice is given by the Committee or the Board.

8.4 Pets/Animals.

A. Domesticated animals kept as pets are welcomed additions to many families and may be maintained by Owners of Mesa Park. However, no animal may be housed, raised, kept or maintained either temporarily or permanently for commercial purposes. Owners are allowed to have up to two pets (e.g. one dog and one cat, two dogs or two cats).

B. It is important that pets not be allowed to run loose in the neighborhood. Pets should be kept under the control of their owners at all times. Dogs should be placed on a leash whenever outside of the Owner's Lot.

Free-roaming cats can also be problematic and a nuisance to others; cats should also be maintained within the boundaries of the Owners property. (Outdoor cats are also highly vulnerable to wildlife native to this area.) Loose animals will not be tolerated due to the danger they pose to children and other animals, even though such dangers may be unintentional by the pet.

C. Animal owners must be both responsible caretakers and responsible neighbors. No dog (or other pet) may be chained or enclosed on any Lot outside of the home for an extended period of time which causes the animal to become an unreasonable noise nuisance to others (plus making the pet vulnerable to wildlife native to the area.)

D. Any Owner having an animal which, in the sole opinion of the Association, makes an unreasonable amount of noise, becomes a nuisance or a safety concern, may be

required to remove the animal from the Community.

E. Pet owners are obligated to clean up after their pet(s), especially when the pet is on the property of others (including the Community's common area). Fines may be assessed against those who fail to comply with this standard.

8.5 Safety.

In the interest of community safety, the following standards shall be upheld by all Owners, their families and guests:

A. Discharging a firearm within the community is strictly prohibited.

B. Fireworks are not permitted unless specifically approved by the Board due to the risk of fire hazard.

C. Outdoor fires on any Lot or on the Common Areas (except for fires in barbecues, braziers and outdoor fireplaces which are contained within facilities or receptacles intended for such purpose) are strictly prohibited. The Association may, from time to time, have the authority to impose total fire bans when deemed appropriate for the safety of the community.

D. Burning of trash, whether placed in a receptacle or not, is not allowed.

E. No Owner shall permit any condition to occur which creates a fire hazard or is in violation of fire prevention regulations adopted by El Paso County or any governmental authority having jurisdiction and control over outside burning.

8.6 Signage.

Except as otherwise required by Applicable law:

All signage (except that which is installed by the Developer) requires prior approval of the Committee prior to being erected.

Owners may not display political signs earlier than 45 days before the election or later than 7 days after an election.

Political signs, flags and patriotic or military displays shall be permitted to the extent allowed under the most restrictive interpretation of the City of Colorado Springs' sign ordinance, state or federal law. Signs may not be placed in the City right-of-way.

8.7 Trash Receptacles.

A. All containers used for the purpose of storing waste shall be screened from public view. Garbage shall be put out at the curb (not in the street) no sooner than the night before the service day and returned to its stored location within the same day of service (however, waiting to put garbage out until the day of service is recommended because of wildlife in the area being enticed to search for food.) Garbage must be stored in a durable container with a lid to prevent trash from blowing onto the adjacent properties.

B. Garbage or other waste shall be kept in a sanitary manner and disposed of properly. Containers for storage or disposal of garbage shall be kept inside the garage so that containers are not visible from the street or adjacent properties, except on the day of trash pickup.

C. No trash, litter, junk, equipment, boxes or other such items shall be permitted to remain exposed upon any Lot and visible from the street or from other Lots within the Community.

8.8 Vehicle Repairs.

Unused, stripped down, partially wrecked or inoperative vehicles (or any parts thereof) are not permitted to be stored on any street or on any Lot.

Providing maintenance, servicing, repairs, dismantling, sanding or repainting of any type of vehicle, recreational vehicle, machine or device is permitted only when done within a completely enclosed structure which screens the visibility and the noise of such activity from adjacent properties and community street.

SECTION 9: ENFORCEMENT

Owners are responsible for upholding the Guidelines and standards set forth in this governing document. From time to time, violations occur which may or may not be intentional on an Owner's part, but which compromise the integrity of the Mesa Park Guidelines, if not remedied in a timely manner.

When such violations occur or are alleged to have occurred, the Association shall provide the Owner of the property a written notice of the alleged violation and request the Owner's cooperation in bringing timely remedy to the situation.

If the Owner fails to remedy the alleged violation within the time frame given in the Notice of Violation, the Board may impose fines as it determines appropriate, after providing notice to the Owner and giving the Owner an opportunity to be heard.

The Notice of such hearing shall be sent via certified mail, return receipt requested, at least seven (7) days prior to the hearing date. The Owner has the obligation to contact the Board if he is unable to attend the hearing at that time and to schedule the hearing not later than 21-days following the hearing notice. Any Owner not able to attend a hearing within the required time period shall cause an Owner's representative with authority to act on behalf of the Owner to attend the hearing At the

hearing, the Board may consider any oral and/or written information produced by the alleged violator.

The Board shall make its decision based on the facts presented. If the violation is determined to be valid and that timely resolution has not been received, a fine may be imposed against the Owner pending resolution. Each incident or each day of a continuing violation may be considered a separate violation for which a fine may be imposed.

Fines shall be both a personal obligation of the Owner of the Lot and the violator (or both) and shall constitute a statutory lien, which may be recorded against the Lot and foreclosed as provided by the Declaration for foreclosure of assessment liens.

Any technical irregularities or defects in the proceedings or notifications shall not invalidate any fine imposed under this enforcement policy.

SECTION 10: AMENDMENTS

These Guidelines may be amended by the Committee (and after the Period of Declarant Control, the Board) at any time in the future. A copy of all amendments shall be provided to each Owner.

These Guidelines were amended, restated and adopted this 1st day of August, 2015.

ARCHITECTURAL CONTROL COMMITTEE
Property Improvement Application

Submittal Date _____

Applicant _____

Address of Property _____

Applicant's Address _____
(if different than address of property)

Date of submittal _____ Phone No. _____

Email address _____
May the ACC respond to your application via email, if available, to expedite its response? Yes No

Submittal Deadline is 12:00 Noon, Friday
Make submittal fee check payable to: Villas at Mesa Park HOA

Please indicate ALL categories of improvements applicable to this submittal. Submittal must be drawn on a site plan at a scale not less than 1" = 20'. Please include as much detail as possible about the size, material, color and placement of improvement.

- Landscape Plan
 - Initial plan
 - Revised plan

- Fence Plan
 - Dog run fencing
 - Privacy screening

- Ancillary Structure
 - Gazebo
 - Hot Tub
 - Greenhouse
 - Other: _____

- Home Modification
 - Deck or deck cover
 - Patio or patio cover/enclosure
 - Home remodel (exterior only)
 - Porch
 - Home Repainting
 - Other: _____

- Play or Sports Equipment
 - Basketball equipment (temporary)
 - Trampoline
 - Play structure
 - Other: _____

- Other Improvement

----- For ACC Use Only -----

Review Fee: Paid Via (check one): Check # _____ Thru Landscape Deposit
If no fee is received, note the date the Owner was notified: _____

Schedule A

The association's maintenance will consist of:

1. trash and recycled material removal for all occupied lots to be provided through a third party trash removal company selected by the Association.
2. road snow plowing and snow shoveling of sidewalks within the Common Areas. Each Owner acknowledges that snow removal will occur at a time and subject to such standards as the Board shall determine from time to time based on the availability of Association funds, the cost of service to be provided, and reasonable judgment of the Homeowners Association Board. The initial standard for snow removal shall be the occurrence of snow in excess of 2 inches. Each Board shall be entitled to revise this standard as provided above.

In addition to the Association maintenance as provided for in the Covenants, the Owners may elect to have the Association undertake such other and additional maintenance within the Lots as the Owners determine from time to time. In 2015, the Owners have elected to have the Association contract with a third party contractor for snow shoveling of driveways and sidewalks located within each Lot that contains a completed residence. Such service is acknowledged to be an additional service to be paid for by the owners of the lots that receive the service.

Maintenance subject to change based on economic viability and reasonable judgment of the Homeowners Association Board.

