

Rules and Regulations

The Conservatory HOA

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I. Air Conditioning, Heating Equipment and Solar Energy Devices

1. No heating, air conditioning, or refrigeration equipment shall be placed, allowed, or maintained anywhere other than on the ground unless properly screened and not visible from adjacent Lots, Common Elements, or public areas. Approval by the Design Review Committee is required.

2. Solar units meeting all governmental guidelines for residential uses, however, may be located on the roof only if (a) such solar unit is built into and made an integral part of the roof flashing or the structure of the Residence constructed on such Lot; and (b) such solar unit is specifically approved by the Design Review Committee.

II. Animals

1. No non-domesticated animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot. Domesticated birds or fish and other small domestic animals (e.g., cats and dogs) are allowed, provided that they are not kept, bred, or maintained for any commercial purpose.

2. No animal of any kind shall be permitted that, in the reasonable opinion of the Executive Board, poses a threat to the health, safety, or welfare of the Owners or makes an unreasonable amount of noise or odor or is a nuisance.

3. All pets shall be under the control of a responsible person and shall not be allowed on the Common Elements except when properly leashed and accompanied by the pet owner or such pet owner's representative.

4. Each Owner shall be responsible for proper collection and disposal of pet refuse from any property within the Community, including along trails or in open space areas. Additionally, each Owner of a pet shall be financially responsible and liable for any damage caused to person or property by said pet.

III. Annoying Sounds or Odors

No sound or odor shall be emitted from any Lot or Common Element that is noxious or unreasonably offensive to others. Without limiting the generality of the foregoing, no exterior speakers, horns, whistles, bells, or other sound devices, other than security or safety devices used exclusively for security or safety purposes, shall be located or used on any property except with the prior written approval of the Executive Board.

IV. Basketball Hoops

1. Portable basketball hoops may be used in front yards or driveways only, subject to restrictions described below.

2. To prevent unsightly conditions, portable basketball hoops should be stored out of sight from the street when not currently in use. If moving the hoop for storage between uses is impractical, then it may be left in place, but only as described below.

3. Hoops must not be used on or block common areas, sidewalks, or streets or at the end of Cul-de-sacs. Portable hoops cannot be placed in such a way against the home that it forces the residents' parked vehicle(s) to block or obstruct any walkway(s) or sidewalk(s).

4. Visible hoops must be mechanically sound, clean, and well maintained and stand upright during weather conditions without concern of damage to other homeowner's property or common areas. Homeowner's may not permit visible hoops to become an unsafe or unsightly nuisance, and the HOA is the sole judgment of said condition, this may require the removal of such hoops.

5. Hoops, players, or balls must not be permitted to damage surrounding landscape, structures, vehicles, or signage in common areas or other homeowner' property.

6. For safety reasons, hoops may not be positioned to encourage playing on a sidewalk, neighboring or adjacent property, or in a street.

V. Commercial Vehicles

1. Introduction

The Declaration of Covenants, Conditions, and Restrictions for The Conservatory (as amended and supplemented from time to time, the “Declaration”) provides very general restrictions on activities related to commercial vehicles within The Conservatory community (“Community”).

Section 3.24 of the Declaration states that the following activities are prohibited:

“The following vehicles shall not be stored in, on, or about any Lot or any street within the Community except within a garage unless approved by the Design Review Committee: boats;, campers (on or off supporting vehicles); tractors; trucks; industrial or commercial vehicles (both cabs and trailers); towed trailer units; motorcycles; disabled, junk, or abandoned vehicles; motor homes or mobile homes; recreational vehicles; horse trailers or other trailers; or any other recreational vehicle. For the purposes of this covenant, ¾ ton or smaller vehicles commonly known as “pickup trucks” and “SUVs” shall not be deemed commercial vehicles or trucks . . .”

The Executive Board has determined to clarify the policies and rules implicit in this provision in order to provide better guidance to residents and to support enforcement of the Declaration and other governing documents.

Accordingly, the Board has adopted the following Rules and Regulations related to commercial vehicles and equipment parking and other related activities.

2. Definition of “Commercial Vehicle”

In addition to the vehicles identified in Section 3.24 of the Declaration, “Commercial Vehicles” means (i) all vehicles listed in Table 1, and (ii) vehicles that have at least one of the Other Commercial Identifiers listed in Table 2, as follows:

<p><u>Table 1</u></p> <p>Vehicles Considered “Commercial Vehicles” (regardless of vehicle payload capacity or Gross Vehicle Weight Rating)</p>	<p><u>Table 2</u></p> <p>“Other Commercial Vehicle Identifiers”</p>
<ul style="list-style-type: none"> • Box vans • Box trucks • Step vans (e.g. small postal trucks, ice cream trucks, or other similar vehicles) • Trucks without a bed • Flatbed trucks • Trucks with a roll-off or tipping bed • Buses (e.g., school buses, disability transport buses, tour buses) 	<ul style="list-style-type: none"> • Any vehicle that has commercial markers, logos, or signage that exceeds 20% of the vehicle’s surface area (excluding the roof, tires, wheels, hood and windshield), unless covered with unmarked magnetic sheets the same color as the vehicle body part being covered. • Vehicles with racks (e.g., ladder racks, side mount racks, etc.) or toppers that extend more than one foot above the height of the cab (or horizontal line drawn parallel to the ground even with the top of the windshield), or panels designed to

<ul style="list-style-type: none"> • Tractor cabs • Tractor trailers/semitrailers • Vehicles with two or more rear axles • Hazardous materials transport vehicles • Taxi cabs • Limousines, identified by the existence of a license plate consisting of red letters on a white background and the word “Livery” across the bottom of the plate • Farm equipment (tractors, wagons, implements) • Heavy machinery, backhoes, graders, skid steers, or construction equipment 	<p>carry equipment other than personal, recreational equipment, or equipment for physically impaired or disabled persons.</p> <ul style="list-style-type: none"> • Vehicles with scrolling lighted signs and exterior warning lights other than standard manufacturer installed hazard lights or Emergency Service Vehicles (as defined herein and by Colorado law). • Vehicles with ladders or similar commercial equipment attached or affixed to the vehicle, or stored on racks attached to the vehicle
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3. Prohibited Vehicles and Activities

Unless within a garage or other approved facility specifically designated by the Association, no portion of an Owner’s Lot or other real property within the Community, including, but not limited to the streets, driveways, alleys, or fire lanes, shall be used for parking, storage, display, or accommodation area for any type of Commercial Vehicle. Currently, the Association has not created designated parking or storage areas for Commercial Vehicles except within an enclosed garage.

Notwithstanding the above, otherwise prohibited Commercial Vehicles are permitted to park temporarily in the community during normal business hours as a temporary expedience for the purpose of serving any Lot or the common area, or in the event of an emergency; provided, however, this exclusion does not extend to an Owner/resident who parks a Commercial Vehicle at home.

4. Emergency Vehicles and Emergency Service Providers

There are no restrictions on the parking of Emergency Service Vehicles within the Community if the vehicle is required to be available at designated periods at the residence as a condition of the resident’s employment and all of the following criteria are met:

- a. The vehicle has a Gross Vehicle Weight Rating of ten thousand (10,000) pounds or less;
- b. The resident is a bone fide member of a volunteer fire department or is employed by a primary provider of emergency firefighting, law enforcement, ambulance, or emergency medical services;
- c. The vehicles bears an official emblem or other visible designation of the emergency service provider; and
- d. Parking of the vehicles can be accomplished without obstructing emergency access or interfering with the reasonable needs of other owners or residents to use streets, driveways, alleys, or guest parking spaces.

VI. Compliance with Insurance Requirement

Except as may be approved in writing by the Executive Board, nothing shall be done or kept on property within the Community that may result in a material increase in the rates of insurance or would result in the cancellation of any insurance maintained by the Association.

VII. Compliance with Laws

Nothing shall be done or kept on any property within the Community in violation of any law, ordinance, rule, or regulation of any governmental authority having jurisdiction over the Community.

VIII. Dog Houses/Runs

Dog houses, shelters, and runs shall be completely screened from view of adjacent public and private property and streets and shall be built from materials compatible with the Improvements installed on the Lot. Chain link fencing is prohibited.

IX. Fences

No fences shall be constructed or removed along or adjacent to the boundary or Lot line of any Lot without the prior approval of the Design Review Committee unless in conformance with the Design Guidelines. An Owner may install privacy fences, security fences, and fences for screening purposes, as long as such fences are in conformance with the Design Guidelines. No gates may be installed by any Owner in any portion of the perimeter fencing installed by Declarant or the Association unless approved by the Design Review Committee. No "double gates" will be allowed in any fences installed within the Community. Fencing abutting all open space areas shall be of the open-rail type.

X. Further Subdivision of Lots

No Lot or Residence may be further subdivided, nor may any easement or other interest therein less than the whole be conveyed by the Owner thereof (including the Association) without the prior written approval of the Executive Board. Nothing in this rule shall be deemed to prevent an Owner from, or require the approval of the Executive Board for, (a) selling or leasing a Lot, or (b) transferring or selling any Lot to more than one person to be held as tenants-in-common or joint tenants. All leases must be in writing and be subject to the requirements of the Governing Documents and any other requirements of the Association.

XI. Hanging Articles

No clothing or household fabrics or other articles shall be hung, dried, or aired on any Lot or Common Element in such a way as to be visible from other Lots or from the Community, except to the extent otherwise provided in the Design Guidelines.

XII. Hazardous Activities

No activity shall be conducted on, and no Improvement (as defined in the Declaration) shall be constructed on, any Lot that is or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any property within the Community, and no open fires shall be lighted or permitted on any property within the Community except in a contained barbecue unit while attended and in use for cooking purposes or within an interior or exterior fireplace designed to prevent the dispersal of burning embers.

XIII. Holiday and Seasonal Lighting & Décor

1. Definitions.

a. "Holiday" means any commonly recognized or celebrated day for either religious or secular purposes.

b. "Fall and Winter Outdoor Lighting" means any and all lighting that is placed outside of a home or residence for the purpose of decoration. Fall and Winter Outdoor Lighting does not include permanent outdoor lighting that is subject to Design Review Committee approval.

c. "Seasonal Decoration" means any and all seasonable outdoor decorative items, which may include, without limitation, exterior home lighting, yard decorations and lawn ornaments, but excluding permanent outdoor decorative items, such as statues, etc., as may be approved by the Design Review Committee.

2. General.

a. The Association desires to permit seasonal and Holiday displays, and to ensure harmonious and consistent decorations on homes and in yards.

b. All exterior lighting, decorations and displays must be installed, operated and maintained in good working order, and adequately secured to withstand weather conditions.

c. Exterior seasonal and holiday decorations and displays may not exceed one-story height (approximately 15').

d. Exterior light displays may include white, colored, or multicolored lights. Strobe lighting is not permitted.

e. Fall and Winter Outdoor Lighting and other Holiday light displays may be turned on no earlier than 5 a.m. and must be turned off no later than 11:59 that evening.

f. Sound may be included in any display from the hours of 5 p.m. to 10:00 p.m., provided that any sound is kept at a level that does not unreasonably disturb other residents or Lots.

g. Roof-anchored displays are not permitted.

h. Pursuant to Colorado Revised Statute, 38-33.3-106.5(1)(c.5)(I), any display of a religious item on any entry door, or in an entry door frame, will not constitute a "decoration" and is exempt from the provisions of these rules, so long as the religious item does not threaten public health or safety or contain otherwise illegal graphics or content.

3. Fall and Winter Outdoor Lighting Restrictions. Fall and Winter Outdoor Lighting is permitted between October 1 and January 31 of the subsequent year.

4. Fall and Winter Decoration Restrictions. Fall and Winter Decorations are permitted between October 1 and January 31 of the subsequent year.

5. Other (Non-Winter) Holidays.

a. Homeowners and residents are welcome to display reasonable exterior Holiday decorations, which may include exterior home lighting and/or yard decorations.

b. Holiday decorations may be displayed no sooner than 30 days before the Holiday date. Fall and Winter Outdoor Lighting and Winter Seasonal Decorations must be removed by January 31. Any other Holiday displays must be removed 14 days after the Holiday date.

6. Enforcement. The Board of Directors reserves the right to notify a homeowner that a display, or any element of it (including the level of sound or size, number and/or extent of yard decorations) is unreasonable and therefore must be removed, after notice and the opportunity for a hearing. The Board of Directors reserves the right to remove any lighting or decorations installed on the Common Areas at any time.

XIV. Leasing

Owners shall have the right to lease their Lots provided that: (a) each lease is in writing with a minimum term of six months; (b) each lease is for occupancy of a completed Residence; (c) each lease provides that the lessee's occupancy shall be subject to the Governing Documents, and any failure by the lessee to comply with any Governing Document in any respect shall be a default under such Lease; and (d) an each Owner leasing a Lot notifies the Association immediately upon the leasing of Lot and registers with the Association both the final executed lease and new mailing information for notices to be sent by the Association directly to such Owner.

XV. Maintenance of the Community

No property within the Community shall be permitted to fall into disrepair, and all property within the Community, including any improvements, shall be kept and maintained in a clean, attractive, and sightly condition. Maintenance, repair, and upkeep of each Lot, except the maintenance, repair, or replacement of any [perimeter] fence installed by Declarant, shall be the responsibility of the Owner of the Lot. Maintenance, repair, and upkeep of Common Elements shall be the responsibility of the Association.

XVI. Maintenance of Drainage

There shall be no interference with the established drainage pattern over any property within the Community except as approved in writing by the Design Review Committee. Approval shall not be granted unless provision is made for adequate alternate drainage. The "established drainage pattern" shall mean the drainage pattern that exists at the time the overall grading of any property is completed and shall include any established drainage pattern shown on any plans approved by the County. The established drainage pattern may include the drainage pattern (a) from Common Elements over any Lot; (b) from any Lot over the Common Elements; (c) from any property owned by the County or other persons over any Lot; (d) from any Lot over property owned by the County or other Persons; or (e) from any Lot over another Lot.

XVII. Permitted Uses

Lots shall be used primarily for residential purposes and uses that are customarily incidental thereto. No Improvement erected on a Lot shall be used or occupied for any purpose other than for a Residence. No Lot shall be used at any time solely for business, commercial, or professional purposes, except as are inherent in the types of residential uses described above. Notwithstanding the foregoing, an Owner may use his or her Lot for a professional occupation or home business, as long as the Lot is also being used for a Residence, the applicable zoning ordinances permit such use, and there is no external evidence of the occupational/business use.

XVIII. Restriction on Exterior Electronic Devices

Subject to applicable law, no exterior television or other antennae, microwave dish, satellite dish, satellite antenna, satellite earth station, or similar device of any type ("Electronic Device") shall be erected, installed, or maintained on the Common Elements. Any exterior Electronic Device erected, installed, or maintained by an Owner on such Owner's Lot is subject to the reasonable and valid safety restrictions and the reasonable restrictions as to screening of the device from view by neighboring Lots that may be adopted from time to time by the Executive Board. All costs associated with the installation or maintenance of any Electronic Device by an Owner, including costs of repair, replacement, improvement, and maintenance of the structure on which the Electronic Device is affixed, erected, and/or installed, shall be the sole responsibility of that Owner.

XIX. Restriction on Garbage and Trash

No refuse, garbage, trash, lumber, grass, shrub, tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse, or debris of any kind shall be kept, stored, or allowed to accumulate on any Lot except within an enclosed structure or appropriately screened from view, except that any container containing such materials may be placed outside at such times as may be necessary to permit garbage or trash pick-up, provided this is done no earlier than 24 hours before the scheduled pick-up. Such materials shall be contained inside garbage containers.

XX. Signs, Advertising, Flags and Religious Symbols

In compliance with the Colorado Common Interest Ownership Act, the Board of Directors of the Association desires to adopt a uniform and systematic policy to address the display of signs, religious symbols, and flags within the community.

Pursuant to C.R.S. § 38-33.3-106.5, the Colorado legislature has determined that prohibitions with respect to the display of certain signs, religious symbols and flags on the basis of their subject matter, message, or content within the community are contrary to public policy. However, the Association may prohibit signs bearing a commercial message, and may establish reasonable, content-neutral sign and flag regulations based upon the number, placement, size or other objective factors.

In accordance with C.R.S. § 38-33.3-106.5, an owner or occupant of a residence may display signs and flags in accordance with the following:

1. No commercial signs, posters, billboards, advertising devices, or displays of any kind shall be erected or maintained anywhere within the Community unless approved in writing by the Design Review Committee or otherwise as permitted by Colorado law. A sign advertising a Lot for sale or for lease may be placed on a Lot, but the standards relating to dimensions, color, style, and location of such sign shall be determined from time to time by the Design Review Committee.

2. All signs must be placed within the boundaries of the Lot. Any sign discovered on the Association Common Elements may be removed and disposed of without notice.

3. All signs and symbols must be maintained in good condition and must be replaced as necessary when damaged, worn, or faded.

4. Non-Commercial Sign Restrictions:

a. Signs may be no larger than 24' by 18' in size.

b. A maximum of one non-commercial sign is permitted to be displayed within the Owner's property at any time.

c. A signs may be displayed in the front yard, in the back yard, or in the side yard; provided, however, signs may not be placed in such a manner as to obstruct pedestrian or vehicular traffic.

d. Yard signs may not be permanently affixed to the property fencing, if any.

5. Commercial Sign Restrictions:

a. For Sale/For Rent/Open House Signs.

i. One professionally-lettered For Sale sign on the property being offered for sale or one professionally-lettered For Rent sign may be displayed on the property offered for sale or for rent. A sign may not be more than five square feet. For Sale signs must be removed not later than the date of closing, and For Rent signs must be removed when the property is leased.

ii. One professionally-lettered Open House sign not to exceed five square feet may be displayed on the property on the date of the open house and must be removed at the end of the day.

b. Security Signs.

i. One professionally-lettered security sign not to exceed two square feet in size may be displayed on the property, and a reasonable number of professional security decals not larger than eight inches by eight inches (8"x8") may be displayed within windows in a residence.

c. With the exception of the permitted commercial signs noted above, all other trade, marketing, or commercial signs, including but not limited to, landscaping, painting, remodeling, or business advertising, are prohibited.

6. Religious Items or Symbols:

a. A "religious item or symbol" means an item or symbol displayed because of a sincerely held religious belief. A religious item or symbol may not contain graphics, language, or any display that is obscene or otherwise illegal.

b. A religious item or symbol may be displayed on an entry door or entry door frame of a residence, individually or in combination with other religious items or symbols, as long as they do not cover an area greater than 36 square inches.

7. In accordance with C.R.S. § 38-33.3-106.5m an owner or occupant of a residence may display flags in accordance with the following:

a. All flags must be placed within the boundaries of the Lot. Any flag discovered on the Association Common Elements may be removed and disposed of without notice.

b. All flags must be maintained in good condition and must be replaced as necessary to prevent wear and tear.

c. Non-Commercial Flag Restrictions:

i. One large and one small non-commercial flag is permitted to be displayed on the owner's property at a time. Large flags may not exceed 3' x 5'. Small flags may not exceed 12" x 18"

ii. A non-commercial flag may be displayed within a window inside the residence, from a balcony adjoining the residence, or from a staff (pole) projecting horizontally on the front or back of the residence. The staff may not be longer than 8' in length.

iii. Unless otherwise required by the Federal Flag Code, permitted flags may not be illuminated without prior the written approval of the Association. Any request for lighting must detail the type and location of lighting. Lighting shall not be installed so as to disturb other residences.

iv. Ground-mounted flag poles are prohibited; provided, however, that all ground-mounted flagpoles existing at the time of the adoption of these amended rules are grandfathered and permitted to remain.

d. Commercial Flag Restrictions:

i. Flags bearing a commercial message, including but not limited to trade, marketing, landscaping, painting, remodeling, or business advertising, are prohibited.

XXI. Storage Containers

1. Horizontal Storage Container Standards:

a. Only one storage container per yard.

b. To be placed in a hidden area of the yard, if possible.

c. Not to exceed the privacy fence height between houses.

d. Maintained aesthetically.

e. The storage container needs to be submitted with pictures to the Design Review Committee for approval.

XXII. Storage

No building materials shall be stored on any Lot except temporarily during continuous construction of an Improvement.

XXIII. Swimming Pools and Hot Tubs

All swimming pools, spas, hot tubs, jacuzzis, and the like installed upon an Owner's Lot shall be screened from view of adjacent Lots and rights of way by screening materials and methods approved by the Design Review Committee.

XXIV. Trailers, Boats, RVs, Truck Campers and Stored Vehicles

Unless otherwise approved by the Design Review Committee, the following vehicles shall not be stored in, on, or about any Lot or any street within the Community except within a garage: covered vehicles (i.e., vehicles covered with a tarp or vehicle cover); boats; campers (on or off of supporting vehicles); trailers; tractors; trucks; industrial or commercial vehicles (as further defined in these Rules and Regulations); towed trailer units; motorcycles; disabled, junk, or abandoned vehicles; motor homes or mobile homes; recreational vehicles; horse trailers or other trailers; or any other recreational vehicle. For the purposes of this covenant, 3/4-ton or smaller vehicles commonly known as "pickup trucks" and "SUVs" shall not be deemed commercial vehicles or trucks. The Association shall have the right to enter a Lot to remove or have removed and/or store any vehicle in violation of this Section at its Owner's expense. An Owner shall be entitled to seven days' written notice prior to such action by the Association. An Owner may temporarily park such a vehicle in his or her driveway or in the street adjacent to his or her Lot for a period not to exceed 24 hours, and no Owner may park such a vehicle in his or her driveway or on the street for more than two 24-periods in a week.

XXV. Unsightliness

All unsightly conditions, facilities, equipment, and objects shall be enclosed within a structure, including snow removal equipment, trash containers, and garden or maintenance equipment, except when in actual use.

XXVI. Vehicle Repairs

No maintenance, servicing, repair, dismantling, or repainting of any type of vehicle, boat, machine, or device may be carried on except within a completely enclosed structure that screens the sight and sound of such activity from the street and from other Lots. The changing of motor oils, fuels, and antifreeze shall be performed in a manner that prevents releases or spills. All used motor oils, fuels, and antifreeze shall be disposed of in accordance with applicable law. Disposal of such oils, fuels, and antifreeze in the storm drainage systems in the Community is strictly prohibited. This provision shall be subject to enforcement pursuant to this Declaration.

XXVII. Weeds

Each Lot shall be kept free from weeds, brush, or other growth or trash that, in the reasonable opinion of the Association or the Design Review Committee, is unsightly or causes undue danger of fire. Subject to Section 3.6, each Owner shall employ weed control measures as needed to the unimproved areas.