

STANDARDS AND GUIDELINES
For
COTTONWOOD PARK WEST SUBDIVISION

A. Purpose

The most important document that governs the operation of the Association is the Declaration of Covenants, Conditions and Restrictions. The Standards and Guidelines document spells out rules and regulations as adopted by the Board of the CPWHOA that are consistent with the Declaration and its Bylaws, in order to keep our community a pleasant and safe place to live. Our goal is to protect the present and future value of the properties located within the subdivision, to uphold the aesthetic nature of the subdivision and each owner's property, to protect against a decrease in the owner's enjoyment of his property, to provide for sanitation, safety and convenience of residents, and to create a desirable, pleasant community in keeping with the residential zoning of the neighborhood.

B. Requirements for Architectural Changes

1. The Cottonwood Park West Subdivision Covenants require that Homeowners and/or Tenants not take certain actions without the prior written approval of the Board of Directors of the Association or its Architectural Control Committee. Article V states in part:

*"No building, fence, wall or other structures shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration therein be made **until the plans and specifications** showing the nature, kind, shape, height, materials and location of the same shall **have been submitted to and approved in writing** as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an Architectural Control Committee composed of three (3) or more representatives appointed by the board..."*

2. If you are considering any of the above changes, additions or alterations, you must request architectural approval **before** making them. Reasonable requests, which follow our standards and guidelines and include the required plans and specifications, are generally approved. We strive to give you approval as quickly as possible to avoid any undo inconvenience to you as a homeowner. Prior approval is required in order to save both you and the Association unnecessary legal costs and inconvenience, and to assure that all appropriate safety and aesthetic concerns are addressed. Please remember that the Board only meets once each month, so plans should be submitted early.

3. Please note that before any improvements, changes, or alterations are performed, you, as the property owner, have the obligation to check with Boulder County to determine whether or not the improvement will be infringing upon any utility easements and to obtain the required building permit. The Association's architectural approval is separate and distinct from the required county approvals.

C. Procedure for Architectural Approval

1. As required in the covenants, homeowners must submit plans and specifications showing the nature, shape, height, materials and location of any building, fence, wall or other structure, which you intend to erect or maintain upon your property, as well as any exterior addition to, or change or alteration thereof. Include a description of the work and a written request for approval, signed and dated by the homeowner.

2. Your request for architectural approval may be mailed to the Association, left in the Association drop box, or dropped off at the manager's or any board member's home.

3. The board holds its meetings monthly on various dates and locations which are posted on the Association bulletin board as well as on the Association website approximately one week prior to the meeting. If you have an emergency, the board is very willing to meet with you to review your application and plans and specifications at any reasonable time in order not to impede your proposed project.

4. You are encouraged and welcome to attend the board meeting when your application will be considered, and may make a verbal presentation to the board in support of your application.

5. If you receive the board's approval for your project, you should keep a copy of your written approval on file in case any question should ever arise. Please make this information available to any future homeowners.

D. Changes, Alterations or Additions

The Board is concerned about architectural makeup of all houses in the subdivision. Below are some examples of acceptable and non-acceptable choices.

1. Exterior Colors

a. Acceptable: Moderate colors to harmonize with the color of the majority of homes in the subdivision.

b. Not Acceptable: Bright, garish or bold colors not in conformity with the color of the majority of homes in the subdivision.

2. Fencing

a. Acceptable: Wood fences constructed with vertical boards placed to the outside of the property, with posts and horizontal supports to the inside of the property. Wood split rail fences are also acceptable. Wood fences may not be higher than 6' tall on the sides and back of homes, and not more than 3' in the front of homes.

b. Not Acceptable: Metal, chain link or wire fences, and high fences that block visibility at sidewalks and/or driveways.

c. Any fences that need to be replaced must be replaced according to the above requirements regardless of how they were constructed in the past. The board, at their discretion, may choose to waive the above requirements

3. Solar Devices

a. The board encourages the use of solar energy, and our goal is to make solar installations as aesthetically pleasing as possible without unreasonable limitations.

b. Because each home sits at a different angle regarding its southern exposure, and because of roof pitch variations, each proposal for a solar system will have to be individually evaluated with the homeowner concerning matters of height, angle, location, type and visual impact of the solar panels.

c. Please request approval of the above matters before purchasing any solar panels or systems.

4. Other Changes include but are not limited to, the following:

- Additions
- Additional windows and doors
- Changes in siding
- Roofing changes including shingle replacement and skylights
- Porches
- Decks
- Patio covers
- Sheds

5. Signs: "For Sale" or similar signs which comply with the Boulder County Land Use Code may be located on a private lot anytime. Such signs on the common areas at the entrances to the subdivision (North and South ends of Niwot Square Drive) are permitted only from 6 p.m. Friday to 6 p.m. Sunday. "Open House" signs are permitted during the hours of the open house only. Sign size will be limited to 2' x 2'. There shall be no commercial signs advertising businesses.

6. Construction of approved changes, alterations or additions should proceed expeditiously to avoid prolonged disturbances in the neighborhood, and should be completed with minimal disruptions to the overall appearance of the property and the neighborhood. To this end, side, and rear yards should be used whenever possible for storage of materials, tools and equipment during construction with minimal use of the front yard.

Note: In some areas of the neighborhood, homeowners may find it difficult if not impossible to access part of their structure(s). Please work with your neighbors if this is

the case, allowing them access to perform maintenance or approved remodeling as necessary.

E. Prohibited Matters

The following constitutes a list of additions, changes or alterations that are not permitted along with other items, which will not be permitted by the homeowners' association:

1. Campers, motor-homes, recreational vehicles, boats, trailers, large commercial vehicles, trucks with dually wheels, non-operating vehicles, snow plows and other such items may **NOT** be stored or parked on streets, driveways, or private property where they are visible to the public or neighbors. One may, however, have a recreational vehicle parked for **one or two days** for the purpose of loading, unloading or cleaning. More than two days for such activities will **NOT** be allowed. Vehicles customarily associated with residential use, such as automobiles, small pickup trucks, small vans and SUV's, may be parked on streets and in driveways, although homeowners are encouraged to use the garages for parking and storage of these vehicles.

2. Outside dish antennas with a diameter of 1 meter or larger are prohibited. Plans for large antennas for AM/FM radio, ham radio, and CB radio must be approved by the board and accepted by the nearest neighbors.

3. Certain home businesses are permitted by the Boulder County Land Use Code in Rural Residential Zoning, which is the designation for Cottonwood Park West. In addition to the limitations imposed by the Code, the following standards and guidelines apply:

- a. Home Businesses and hobby shops should be used at reasonable hours.
- b. Tools and materials should be kept inside the home or garage or approved storage shed.
- c. Finishing materials and the use of noxious chemicals should be used only occasionally.
- d. Tools that create noise and sawdust which run for hours at a time for more than one or two days a week disturb the neighborhood and are not allowed. Respect neighbors with regard to hours of operation, noise, odors and fire safety.
- e. If your home is being used for a business and the Association receives complaints that it is disturbing the neighbors, that business will have to be modified or relocated.

4. Storage of large amounts of raw material, wood, metal, paint or other similar materials at a residence is a safety hazard and is prohibited, except as is reasonably necessary for construction of an approved change, alteration or addition.

5. Front yards should not be used for any kind of storage. Garbage cans and recycle containers should be stored in the garage, preferably, or in a side yard out of

view of the public except on pick-up day. Storage pods, dumpsters and other large trash containers are only allowed for a limited time during a construction project.

F. Maintenance

In order to comply with the purpose of the covenants to maintain a pleasant and aesthetically pleasing neighborhood, each property must be neatly maintained by its owner. Any part of your property, building structures or fencing which is neglected and in need of paint or repairs must be painted or repaired within 10 to 30 days after the need for painting or repair arises, as finally determined by the board of directors, including, but not limited to, the following:

1. Weeds and uncut grass. (10 days)
2. Junk and clutter. (10 days)
3. Neglected paint. (30 days)
4. Broken or neglected fencing (30 days)
5. Broken garage doors or broken window in homes, etc. (30 days)
6. Dead or overgrown trees, bushes, and plants.

Failure to comply with these guidelines will result in fines and penalties as outlined in the Association's Dispute Resolution Policy.

G. Parking

All homes in Cottonwood Park West are equipped with two-car garages to facilitate off-street parking. Cars parked on the street cause unnecessary danger to children, reduce visibility to motorists. Because of many complaints regarding parking, please comply with the following:

1. Every effort must be made to park all vehicles in one's garage or driveway.
2. Please do not park in front of someone else's property.
3. Parked cars must never block walkways, sidewalks, another's driveway or park entrance walkways.
4. As most of our homes have limited road frontage, each household must limit the number of cars parked on the street to two. Please contact the board if you must exceed this amount.

H. Snow Removal

The owners and/or occupants of Cottonwood Park West homes are responsible for snow removal on the public sidewalks adjacent to their homes – even if they are out of town. In general, snow must be removed from sidewalks within 24 hours after snow stops falling. Common sidewalks, such as in the parks and along 79th St. and Niwot Rd., are maintained for the HOA by a professional snow removal company. Owners in violation will be fined the amount necessary to cover professional removal. If you are physically unable to perform this duty, please contact the Board.

I. Park Rules

It is the intent of the Board of Directors to facilitate the enjoyment of the Association common areas by all homeowners. There are four common areas in Cottonwood Park West that have been set aside as “parks” for the enjoyment of the homeowners: The improved area between Totara Place and Nikau Drive, called Central Park; the unimproved area along the east border along 79th Street and the south border of the development, called South Park; the unimproved land running along the south border of the development from South Park to the area in the southwest corner of the development, called Manila Park; and the improved “L-shaped park along Niwot Road on the north and 79th Street to Niwot Square on the east side, called 79th Street Park.

Please keep in mind that the homeowners who live in close proximity to these parks have rights to peace and privacy. Use and enjoy the parks in a courteous manner while respecting the rights of others and by adhering to the following park rules:

1. Homeowners and tenants are responsible for their actions and the actions of their family members, guests, and pets in all parks, including any injuries and damages. People who vandalize or willfully destroy property will be prosecuted and require to pay for all damages and costs incurred.
2. The parks are open to activities or parties until 9:00 p.m. If you'd like to reserve a specific area in a park for a special activity, please contact the association manager or any board member.
3. Motor-driven vehicles are prohibited in all parks unless otherwise authorized by the Association.
4. Dumping of any trash or other material is prohibited in all parks. This includes placing personal household trash in the HOA garbage cans and putting leaves and branches from your property onto HOA parks and open space.
5. Use of volleyball courts is available on a first-come, first-served basis. Please be considerate of others wishing to use the courts.

J. Pet Control

1. The HOA requires that dogs must be under leash control when in our common areas and in the presence of any other person or dog. Although the laws of Boulder County are specific in requiring that pets not run free, the board realizes that in certain situations it may be acceptable for a pet to be off leash. Specifically, when the pet and its owner are the sole park visitors, their pet(s) may be off leash. However, as soon as another park patron arrives, the pet(s) must be leashed immediately.

2. Pet owners must provide for immediate clean up of pet waste. Poop scoop bags are available in the parks for those owner/handlers who do not carry their own. Please use them. Failure to pick up after your pet will result in a \$50 fine.

3. Dogs barking excessively, habitually, or enough to be a nuisance must be controlled. If you are faced with this problem, please try to contact the owner – they may not realize it is an issue. If the issue is not resolved, contact Boulder County Animal Control. There is an ordinance making it unlawful to disturb anyone's peace for this reason.

K. Landlord/Tenant Responsibilities

In general, tenants in Cottonwood Park West are responsible for adhering to these rules just as is the owner of the property. Where the responsibility for property maintenance is rightly set with the owner, it is the tenant's responsibility to promptly notify the owner of the need for maintenance.

The HOA newsletter is distributed to owners and tenants so that tenants may be informed of activities in the HOA area.

Tenants are responsible for checking the HOA bulletin board for announcements that may affect them – such as planned weed control spraying or road repair activities. The HOA will make every effort to notify all tenants and owners of important activities in a timely manner.

Landlords are responsible for fines or charges incurred by their tenants.

L. Collection of Assessments (Homeowner's Dues)

1. Article II of the by-laws states: *“As more fully provided in the Declaration, each member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessments is made. Any assessments, which are not paid when due, shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, a five dollars (\$5.00) per month late charge will be added, and the association may bring an action of law against the Owner personally obligated to pay the same or foreclose the lien against the property and interest, costs and reasonable attorneys' fees of any such action shall be added to the amount of such assessment.”*

2. Although Assessments are due on the first day of each month without notice, Assessments are now collected by the Association on a quarterly basis. The Assessments for each quarter of the year are due on the 25th day of the 3rd month of the quarter. If they are not paid by the 1st day of the following month there is a \$15 late fee due. A notification letter will be sent to the homeowner. However, failure to receive such a letter does not excuse payment of any late fees.

3. If you are in arrears for more than one quarter, a late fee of \$15 per quarter for every quarter the fee is unpaid will be assessed. Please see the Late Fee Policy (amended January 1, 2007) for further details.

4. If no payment is received after 2 quarters, your delinquency will be referred to the association's attorney for collection and lien enforcement. The attorneys' fees and costs will be added to the amount due and will be your responsibility. If you do not respond to this collection process, the association may file a small claim suit against you.

M. Enforcement of Covenants

All residents are sincerely asked to police themselves within the guidelines provided above. If a problem arises with your neighbor, please try to work it out in a cooperative effort. If the neighbors cannot resolve the problem, please contact the board or manager and request arbitration.

1. Any time that there is a violation of a covenant, any member of the association may contact the board of directors or the manager, who may send a letter to the violating owner setting forth the covenant violation. If, after ten (10) days no response is received by the association to such a letter, a second letter should be sent by Registered Mail, Return Receipt Requested, stating that the owner has an additional ten (10) days to rectify the violation or the same ten day period to notify the board in writing of the defendant's intent to rectify the violation or request additional time to rectify it if needed.

2. The failure of a violating owner to respond within such time will be referred to the association's attorney or, if appropriate, Boulder County, for enforcement and appropriate legal proceedings.

3. See the association dispute resolution policy and complaint resolution policy for additional guidelines.

The board of directors may make amendments or revisions to these standards and guidelines from time to time, and each member of the association shall have written notice of such changes. Please keep these standards and guidelines, and any amendments, available for your review from time to time as needed.