

BHMD Residential Improvement Rules and Regulations

Approved, as Amended **November 28, 2023**

These Residential Improvement Guidelines and Site Restrictions have been prepared by the Architectural Control Committee of Heron Lakes Community. The Architectural Control Committee reserves the right to add or modify these guidelines at its discretion. Please check with the Architectural Control Committee to be certain that you have the latest version of these improvement guidelines.

Heron Lakes Community

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I. Introduction

- 1.1 Basis for Guidelines.** These Residential Improvement Guidelines and Residential Site Restrictions are intended to assist homeowners at Heron Lakes Community, further described in Exhibit A, in the design of their homes, landscaping and other improvements to their property, as provided for in the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR HERON LAKES COMMUNITY (The Covenants), to list the rules and regulations adopted by the Berthoud Heritage Metropolitan District (The Metro District) and/or the Heron Lakes Community Architectural Control Committee (The ACC) with respect to the use of Residential lots. THE DECLARATION OF COVENANTS FOR HERON LAKES COMMUNITY REQUIRES THE PRIOR APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE (ACC) BEFORE ANY IMPROVEMENT TO A LOT IN HERON LAKES COMMUNITY. "Improvement" is very broadly defined in the Covenants. For instance, an "improvement" would include any landscaping or change of the grade of property, the construction or installation of any accessory building, patio, fence, deck, pool or hot tub, the demolition or removal of any building or other improvement, and any change of exterior appearance of a building or other improvement. In order to assist homeowners, the Covenants authorize the ACC to establish guidelines and to establish certain pre-approved designs for several types of improvements to property and to exempt certain improvements to property from the requirement for approval. This booklet contains the guidelines established by the ACC with respect to residential property. Throughout this document, the term "property" or "home site" shall refer to a residential lot.
- 1.2 Content of Guidelines.** In addition to the introductory material, these Guidelines contain: (a) a list of specific types of improvements which homeowners might wish to make with specific information as to each of these types of improvements, (b) rules and regulations applicable to residential lots, (c) a summary of procedures for obtaining approval from the ACC, (d) a definition section to define specific words or words in quotations.
- 1.3 Committee Address and Phone.** The address of the ACC is: "BHMDs"
2375 TPC Parkway * Berthoud * CO * 80513
Phone: 970-488-2828 E-mail: Manager@bhmds.com
- 1.4 Effect of Covenants.** The Covenants are documents governing property within Heron Lakes Community. Copies of the Covenants are delivered to new home buyers when they purchase their home and /or lot and are available at any time at the ACC office. Each homeowner shall review and become familiar with the Covenants and any Supplemental Declarations applicable to his or her property. Nothing in these Guidelines can supersede or alter the provisions or requirements of the Covenants, or of any Supplemental Declaration, and if there is any conflict or inconsistency, the Covenants, and Supplemental Declaration will control. Provisions

relating to the use of property and to improvements to property are found in the covenants.

1.5 Effect of Governmental and Other Regulations. Use of property and improvements to a property must comply with applicable building codes and other governmental requirements or regulations. Approval by the ACC will not constitute assurance that improvements comply with applicable governmental requirements or regulations or that a permit or approvals are not also required from applicable governmental bodies. For general information about the Town of Berthoud requirements, homeowners or homebuilders should write or call the Town of Berthoud Building Department: 328 Massachusetts Ave, PO Box 1229, Berthoud CO 80513, (970) 532-2643.

1.6 Interference with Utilities. In making improvements to property, homeowners are responsible for locating all water, sewer, gas, electrical, cable television or other utility lines or easements. Homeowners or their contractors shall not construct any improvements over such easements without the consent of the utility involved and homeowners and/or contractors will be responsible for any damage to any utility lines. **All underground utility lines can be located by calling the State of Colorado One Call System at 811:**

Telephone: Century Link
(970) 679-7000

Gas: Xcel Energy
1901 E. Horsetooth Road
Fort Collins, CO 80525
(800) 895-4999

Electric: Poudre Valley REA
7649 REA Parkway
Fort Collins, CO 80528
(970) 226-1234

Cable: Comcast
1201 University Avenue
Fort Collins, CO 80521
(888) 824-4010

Sewer: Town of Berthoud
328 Massachusetts Ave, PO Box 1229
Berthoud, CO 80513
(970) 532-2643

Water: Town of Berthoud
328 Massachusetts Ave, PO Box 1229
Berthoud, CO 80513
(970) 532-2643

Non-Potable Berthoud Heritage Metropolitan District

Irrigation Water: BHMD
2375 TPC Parkway * Berthoud * CO * 80513
Phone : 970-488-2828 E-mail : Manager@bhmds.com

1.7 Goals of Guidelines. Compliance with these Guidelines and Restrictions, and the provisions of the Covenants, will help preserve the inherent architectural and aesthetic quality of Heron Lakes Community. It is important that the improvements to property be made in harmony with and not detrimental to the rest of the community. A spirit of cooperation with the ACC and neighbors will go far in creating an optimum environment which will benefit all homeowners. By following these Guidelines and Restrictions and obtaining approvals for improvements to property from the ACC, homeowners will be protecting their financial investment and will help ensure that improvements to property are compatible with standards established for Heron Lakes Community. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Guidelines and Restrictions, the ACC's interpretation thereof shall be final and binding.

1.8 Design Standards. Architectural styles permitted in the community shall be "Mountain", "Modern Mountain", "Modern Mountain Rustic", "Colorado Mine", "Alpine Chic" or "Hill Country", "Old World" style designs including inherited and borrowed architectural styles such as Craftsman, Prairie/Four Square, European, French County, English Manor, Tuscan, and other acceptable classical old works designs. Blended together the various categories of architecture can lead to building neighborhoods that provide attractive designs, using diverse materials that articulate façades with rich colors that reflect the physical characteristics of the site.

Mountain Style



Modern Mountain Style



Modern



Colorado Mine Style



Alpine Chic Style



Hill Country Style



Craftsman Style



European Style



Four Square Style



Prairie Style



French Country Style



English Manor Style



Tuscan Style



1.9 Streetscape Diversity. Create homes that promote streetscape diversity through varied floor plans, lot sizes, elevations, and front porches. It is the intent of the ACC to ensure that each home is compatible with the neighborhood, while encouraging individuality of style.

- A. Dwellings will have varied elevations; however similar floor plans may be implemented in the design. For the purposes of this subsection, elevations will be considered “varied” from one another if a minimum of two of the conditions set forth below are met as determined by the ACC.
 - 1. The locations of at least 50% of the windows and doors differ.
 - 2. The slopes of at least two window dormers and/or window bays differ.
 - 3. The slopes of at least two gable ends differ.
 - 4. The slopes of porches and/or other similar projecting design elements differ.
 - 5. More than 50% of the front elevation cladding is of a different material.
- B. The same elevation (mirrored or standard) shall not be constructed on adjacent lots, or lots across the street from one another.

1.10 Building Massing. Create home profiles that contribute to streetscape diversity.

- A. All homes shall incorporate single-story elements such as recessed entries or covered porches as transitional elements to larger second story building volumes.
- B. Homes should generally mass towards the center of the home. Asymmetrical massing may be allowed if consistent with the style of the home. Massing should be stepped back above garages.
- C. One-story homes shall have 40% of their complete front façade comprised of features that are not part of the garage area, including overhead doors and wall

area around the doors that front a garage. The calculation shall include wall areas, windows and doors, but exclude roof and fascia.

- D. Two-story homes shall have a minimum 50% of their complete front façade comprised of features that are not part of the garage area, including overhead doors and wall area around the doors that front a garage. The calculation shall include wall areas, windows and doors, but exclude roof and fascia. In addition to meeting this minimum percent of the overall façade area, a minimum of 30% of the width of the first-floor elevation shall be dedicated to features that are not part of the garage area.
- E. Please note Exhibits pertaining to exterior elevations.

Single Story Massing Example:



Two Story Massing Example:



1.11 Roof Form. Create a visible main-body roof form complemented by smaller roof planes or elements. Minor roof elements such as gable ends and dormers shall be proportional to the spaces they cover and to the overall roof size and form. These elements qualify for the quantity of roof breaks required.

- A. There shall be a minimum of two roof breaks for each home to create variation in roof massing. (Roofs that turn a corner or change elevation)
- B. All roof vents, flashing, pipes, etc. shall be painted to match the roof color and shall be located behind the ridgeline whenever possible.
- C. Smaller roof planes are encouraged, large uninterrupted roof planes are not allowed.
- D. Asymmetrical roof planes should be used carefully and must be consistent with the style of the home.
- E. The roof type, gable, shed, flat and hips shall be consistent with the style of the home.
- F. Large overhangs covered porches and outdoor entertainment areas are encouraged.

1.12 Front Entryways and Covered Porches. Create single story building volumes including entries or covered porches that soften the building façade, active as transitional elements to larger-scaled building volumes. All elevations should contribute to the streetscape of the community through unique and attractive designs.

1.13 Columns, Piers, and Posts. (Front Elevations and Elevations that are adjacent to the Golf Course)

- A. Columns are encouraged to have a stone base. Columns shall be a minimum of sixteen (16) inches square (Box Column) or twelve (12) inches in diameter at the base (Round Column). Grouped round columns (two or more) shall be a minimum of eight inches in diameter at the base. A round column is permitted to taper.
- B. Columns shall be designed with a distinctive base, shaft, and capital.
- C. Masonry columns shall be a minimum of sixteen (16) inches square and stucco piers shall be a minimum sixteen (16) inches square. Taller columns may need to be wider. Piers shall be crowned with an appropriate cap.

- D. Wooden posts shall be a minimum of eight (8) inches (nominal) square. Grouped posts (two or more) shall be a minimum of six (6) inches (nominal) square. If posts are turned, the eight (8) inch minimum dimension shall be measured at the largest diameter of the post.
- E. Posts shall be designed with a cap, base trim, and/or brackets.

1.14 Garages. Design garages to create streetscape variety and visual interest. Integrate the garage with the home and minimize the garage door impact on the front, street-facing elevation.

- A. Garages shall be oriented in such a manner as to mitigate their impact along public streets. This shall be achieved by incorporating appropriate architecture into the design of homes within the community through a variety of garage locations and orientations, including rear loaded, side loaded, tandem, recessed, and combination front/side loaded garage designs.
- B. For homes with a three-car garage, the third bay of a garage shall be recessed or projected a minimum of eighteen (18) inches from the face of the other two (2) garage bays or provide three separate garage bays and associated garage doors, or the doors must be enhanced with significant architectural detail.
- C. Garage door trim shall complement the trim around doors and windows or other substantial architectural features on the doors.
- D. All garage elevations shall provide garage door windows and/or other substantial architectural features.
- E. All streets facing façades of side-loaded garages shall contain at least two (2) windows of a scale and detail compatible with the habitable portion of the dwelling.
- F. All garage doors shall contribute to the overall character and appeal of the home. Garage doors shall be painted or stained in a complementary color of the home. Garage doors shall be articulated and composed of ornamentation, such as recessed or grooved panels and/or windows.

Three-Car Garage Examples:



Side-Loaded Garage Example:



1.15 Façade Articulation. The design of the homes shall avoid long expanses of blank walls and windowless elevations by using building elements such as plane breaks and building projections that help segment the building mass and break-up large expanses of blank wall.

1.16 Wall Articulation.

A. Wall plane articulation shall be provided based upon the following minimum requirements. The front façade of a porch shall meet the requirements of one wall plane, rear decks need not satisfy the requirement of a wall plane:

1. Front Elevations:

One-Story: Three wall planes (separated by a minimum 12 inch off-set)

Two-Story: Three wall planes (separated by a minimum 12 inch off-set)

2. Rear Elevations

Three wall planes (separated by a minimum 12 inch off-set)

B. In addition, rear elevations with a walkout shall be required to have an additional two wall planes at the walkout elevation.

C. In addition, rear elevations shall incorporate a minimum of one of the following façade articulation elements: building projections (bay or box windows), one-

story building volumes, decks, covered porches, gable ends, and chimney fireplace pop-outs.

- 1.17 Building Projections.** Building projections, such as bay windows and box windows, must project a minimum of twelve (12) inches from the façade surface.
- 1.18 Building Location and Setbacks.** Setbacks shall meet minimum setbacks of the Town of Berthoud. Contractors are responsible to meet Town of Berthoud requirements on verification of building location.
- 1.19 Building Height.** The building height shall meet maximum building height of the Town of Berthoud, or 40' maximum, whichever is more restrictive.
- 1.20 Finish Floor Elevation/Top of Foundation.** Minimum finish floor elevation/top of foundation as per the final grading plan prepared by Northern Engineering Inc. Written approval from the ACC is required if the top of foundation is to exceed minimum by more than one (1) foot.
- 1.21 Windows and Doors.** Windows and doors shall be composed of smaller human-scaled elements and ornamentation to express vertical proportions. The placement of windows and doors on building elevations should create proportionate, balanced, and rhythmic compositions.
- 1.22 Windows.**
- A. All single-story front elevations, and elevations that are adjacent to the golf course, shall have a minimum of 20% window area. The elevation area shall be calculated as the entire front façade minus the garage face, garage door, front door, roof and fascia. Window area includes the trim around the window excluding shutters.
 - B. All two-story front elevations, and elevations that are adjacent to the golf course, shall have a minimum of 25% of window area. The elevation area shall be calculated as the entire front façade minus the garage face, garage door, front door, roof and fascia. Window area includes the trim around the window excluding shutters.
 - C. Elevations that abut a public street not addressed by the preceding Paragraphs A and B, park (public or private) or open space area shall have a minimum of 15% window area. The elevation area shall be calculated as the entire façade minus the garage face, garage door, front door, roof, and fascia. Window area includes the trim around the window excluding shutters.
 - D. Windows (on front and rear elevations) shall be generally centered on the building mass, aligned both horizontally and vertically (except where functional

or structural composition of the structure warrants otherwise). This does not apply to garage doors.

1.23 Doors.

- A. Front doors shall be articulated and composed of ornamentation such as recessed or grooved panels and/or windows.
- B. Sliding glass doors shall only be used on side or rear building elevations.

1.24 Building Materials and Color. Building materials with strong textures and rich colors, such as brick, stone, shingles, and clapboards that create visual depth and detail shall be used. It is a requirement to use a minimum of three different textures on the front and rear of the house and two different on the sides. Any elevation that is adjacent to a public or private park, open space, or the golf course shall use a minimum of three different textures. Homes shall have varied elements of brick, stone, siding, and stucco. Elements of stained wood are encouraged.

Building Façade Material Examples:



1.25 Wall Materials and Color.

- A. Lap siding shall not exceed eight (8) inches exposed to the weather. All siding must be high quality wood grained siding or cement board siding.
- B. Board and batten siding shall not exceed twelve inches (Board) and two inches (Batten) exposed to the weather.
- C. Color variety shall be related to changes of materials, such as a stone building base, clapboard façade, and tile roof.
- D. A minimum of three colors (material or paint color) not counting roof material (color) are required.

1.26 Roof Slope. 5/12 pitch minimum for main roof. Accent roofs may be of a different slope to create interest. (Other roof pitches may be approved if complementary to a specific style)

1.27 Roof Materials and Color.

- A. The required roofing material shall be a minimum of architectural flat concrete roof tile. Slate or rolled tile may be acceptable, subject to ACC approval. See 1.27-D. below for Solar Roof Requirements.
- B. Rich, natural roof colors are required. Avoid simple and repetitive patterns of roofs on homes.
- C. Metal roofing is recommended as an accent to homes and is subject to ACC approval.

1.27.a Aesthetic Provisions to Energy Efficient Measures and Renewable Energy Generation Devices, and Back Up Gas Generators,

- A. Colorado Revised Statute 38-33.3-106.7 (“Energy Efficiency Statute”) became effective relative to enforcement actions pending or commenced on or after August 5, 2008. The Statute generally prohibits unreasonable restrictions on Energy Efficient Measures.
- B. The Energy Efficiency Statute defines Energy Efficient Measures to include only the following types of devices or structures:
 - 1. An awning, shutter, trellis, ramada, or other shade structure that is marketed for the purpose of reducing energy consumption.
 - 2. A garage or attic fan and any associated vents or louvers.
 - 3. An evaporative cooler.
 - 4. An energy-efficient outdoor lighting device, including without limitation a light fixture containing a coiled or straight fluorescent light bulb, and any solar recharging panel, motion detector, or other equipment connected to the lighting device; and
 - 5. A retractable clothesline.
- C. Colorado Revised Statute 38-30-168 (“Energy Generation Statute”) generally prohibits unreasonable restrictions on Renewable Energy Generation Devices.
- D. The Energy Generation Statute defines Renewable Energy Generation Devices to include:

1. A solar energy device as defined by Colorado Revised Statute 38-32.5-100.3.
 2. A wind-electric generator that meets the standards set forth in Colorado Revised Statute 40-2-124.
- E. The Energy Efficiency Statute, and the Energy Generation Statute shall be referred to collectively as (“the Statutes”).
- F. The Statutes allow the BHMD’s to adopt reasonable aesthetic provisions to govern the dimensions, placement, or external appearance of Energy Efficient Measures and Renewable Energy Generation Devices.
- G. The aesthetic provisions adopted by the BHMD’s consider:
1. the impact on the purchase price and operating costs of the energy efficient measure:
 2. the impact on the performance of the energy efficient measure.
 3. the criteria contained in the governing documents of the common interest community: and
 4. for wind-electric, natural gas, gasoline, or diesel fueled generators, the BHMD’s may also consider the noise created by the device and its interference with the use and enjoyment by residents of property situated near generators.
- H. The Energy Generation Statute requires that the restrictions adopted by the BHMD’s cannot significantly increase the cost of the device, or significantly decrease the performance of the device.
- I. In accordance with the BHMD’s Procedures for the Adoption and Amendment of Policies, Procedures, and Rules as required by 38-33.3-209.5(1)(b)(vii) C.R.S., the BHMD’s desires to adopt these aesthetic provisions pertaining to Energy Efficient Measures or Renewable Energy Generation Devices.

The following provisions shall apply to installing, changing, or modifying Energy Efficient Measures and Renewable Energy Generation Devices within the BHMD’s.

- A. An Owner may install, change, or modify an Energy Efficient Measure or Renewable Energy Generation Device on property the Owner owns provided the following conditions are strictly met.
- B. The Energy Efficiency Measure or Renewable Energy Generation Device (including the installation and/or construction thereof) must comply with all applicable building codes, building requirements, and all applicable safety standards.

- C. The Owner must submit detailed Plans and Specifications for the Energy Efficiency Measure or Renewable Energy Generation Device to the Architectural Control Committee ("Committee") and obtain written approval from the Committee prior to installing, changing or modifying the Energy Efficiency Measure or Renewable Energy Generation Device.
- D. Detailed Plans and Specifications generally include, but are not necessarily limited to:
 - 1. The name of the manufacturer and the model number of the improvement. Any marketing materials from the manufacturer outlining objective effect the improvement is expected to have an energy consumption. Location, dimensions (in both its extended and retracted configuration), materials, color, style, and depiction of any awning, shutter, trellis, ramada, or other shade structure used to reduce the Owner's energy consumption.
 - 2. Location, dimensions, materials, color, and style of exterior vents and/or louvers associated with a garage or attic fan; the expected impact to adjoining property from the exhaust from the garage or attic fan (including the level of noise and amount of exhaust expected when fan is running at full speed).
 - 3. Location, dimensions, materials, color, and the type and style of any evaporative cooler.
 - 4. Location, materials, color, style, type, and wattage of bulb, intensity and direction of any outdoor lighting device.
 - 5. Location, dimensions (in all configurations which the panels may be used or maintained), materials, color, style, type, and orientation of any solar charging or recharging panels.
 - 6. Location, dimensions (in all configurations the generator and related equipment may be used and maintained), materials, color, style, type and orientation of any wind-electric generator and the expected impact to adjoining property (including the level of noise expected when the wind-electric generator is running at full speed).
 - 7. Location, style, materials, color and depiction of retractable clothesline (shown in both its extended and retracted configurations) and other elements associated with the clothesline.
- E. In passing upon plans and specifications for Energy Efficient Measures and Energy Generation Devices, the Committee shall:

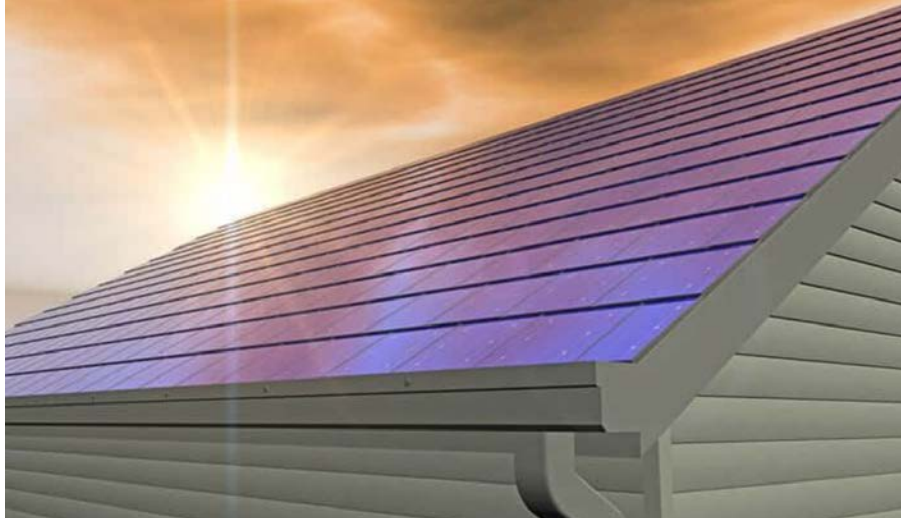
1. Follow the procedures as outlined in Article V of the Master Declaration Creating Covenants, Conditions, Restrictions, and Easements for BHMD (“Declaration”);
 2. Consider the factors enumerated in the Residential Improvement Guidelines;
 3. Consider how the improvements are architecturally integrated with the existing structures and landscape of the property to be improved, including but not limited to a scale, color, reflective value, materials, massing, and quality of product and architectural character to promote designs which create a visual extension of the architecture of the residence and conform to the community wide standards. No improvements shall physically or visually impact an adjacent property;
 4. Consider the impact contingent requirements or alternatives imposed by the Committee have on the purchase price and operating cost of the Energy Efficient Measure or Energy General Device; the impact the contingent requirements or alternatives have on the performance of the Energy Efficient Measure of the Energy Generation Device.
 5. Consider bona fide safety requirements of an applicable building code or recognized electrical safety standard; and
 6. In passing on plans and specifications for wind-electric generators, the Committee shall also consider the projected sound of the device and any anticipated interference that sound will have on the use and enjoyment of other property and residents of the Community.
- F. The Committee shall act reasonably and in good faith in passing on the Owners request; and shall not arbitrarily prohibit, or effectively prohibit, an Owner from installing or using an Energy Efficient Measure or an Energy Generation Device.
- G. Notwithstanding any language to the contrary in the Declaration, or governing documents, the Owner must maintain Energy Efficient Measures or Renewable Energy General Devices in operational condition and in a manner consistent with community wide standards. In the event the Owner does not maintain the improvements in a manner consistent with community wide standards, these provisions may be enforced in accordance with the BHMD’s’s Enforcement Procedure.
- H. In the event the BHMD’s, in the performance of an exterior maintenance obligation set forth in the Declaration, deems it necessary that the Energy Efficiency Measure or Renewable Energy Generation Device be removed for the maintenance project, Owner shall, at the Owner’s sole expense, upon thirty (30) days written notice, remove and store the improvement during the maintenance

project and reinstall the Energy Efficiency Measure or Renewable Energy Generation Device upon completion of the project.

- I. In the event the Owner fails to remove the Energy Efficiency Measure or Renewable Energy Generation Device in accordance with the notice, the BHMD's may remove the improvement at the Owner's expense. Further, Owner shall have been deemed to waive any claim against the BHMD's in connection with the removal of the improvement.
- J. The Owner must also add the Energy Efficient Measure or Renewable Energy General Device to their insurance and agree to indemnify the BHMD's, its officers and agents for all claims, causes of action, demands, damages, injury, and costs associated with the Energy Efficient Measure or Renewable Energy Generation Device.
- K. For new construction, solar roof tiles, subject to ACC approval. Any roof, plane or level that is proposed as solar tiles must be completely covered in solar tiles or matching materials. Patchwork installation of solar tiles is discouraged and must be approved. See below.



Example above of a "Patchwork" Solar Tile installation that is discouraged.



Example above of a “wall to wall” Solar Tile installation that is favored.



Example above of a Solar Tile installation that has a matching material at the edges that is favored.

- L. For the addition of solar panels to existing construction the following shall apply.
 - a. Panels must be low profile without a noticeable gap between the underlying roof and the solar panel.
 - b. Panels installed in a patchwork fashion is discouraged. (see below)
 - c. Panels must match the form/shape of the underlying roof plane. If the roof that the panels are installed on is rectangular the solar panel field must be rectangular. If the roof that the panels are installed on is triangular the solar panel field must be triangular.

- d. Solar panels may be installed on roof planes that are not visible from the golf course, or the street.



Example above of a retrofit Solar Tile installation that is a “patch work” that is discouraged. Note the gap between the tiles and the roof, which is discouraged.



Solar panels added to an existing home are preferred to be on a rectangular roof plane. However angled roof planes are allowed if the panels have the same outside configuration as the roof. In other words, patch work panels are discouraged. See the example above of angled solar panels. Panels must be low profile, installed as close to the underlying roof as possible.



Example above of a thoughtfully designed solar panel installed over top of an existing roof. This type of configuration is allowed. Solar panels must be low profile, installed as close to the underlying roof as possible. The roof exposed on the outside of the panels should match top to bottom and side to side.

The distance from the edge of the roof to the edge of the panels should be carefully considered and similar side to side as top to bottom. If rectangular panels are installed on an angled shaped roof plane, the rectangular panels should be located to appear to be a rectangular block, “patch work” is discouraged with the block being located a specified distance away from any angle. Each application will be reviewed for its configuration by the ACC.

1.28 Building Material Application. The ACC strongly discourages piecemeal material application, frequent changes in wall materials, and unconvincing material transitions.

- A. Different building materials shall be joined together in a harmonious fashion. Intermediate building components such as frieze boards, wainscot caps, windowsills, belly bands, and corner boards shall be provided as transitional elements between different building materials.
- B. Cantilevers must be consistent with the style of the home. Cantilevers to be supported by visually substantial beams/brackets/timbers. Visual bays and cantilevers of material change shall not be in the same plane.
- C. Corner trim to be painted same color as body.

- D. When masonry occurs at any corner, the material shall wrap the corner and terminate on an inside corner of a building element.
- E. When masonry occurs at the corner of a front or rear elevation and the side elevation fronts onto a public or private street, public or private park, open space, or golf course, the material should wrap the corner to the next wall plane break.
- F. Trim transitions shall be provided between siding materials.
- G. Cantilevered stone is not allowed.
- H. Vinyl siding is not allowed.
- I. Long blank walls are not allowed.
- J. Ornamentation/tack on detailing is not allowed.

1.29 Front Elevations, Architectural Elevations, Massing and Accents.

All homes shall be designed for four-sided architecture and may include:

- Similar windows and window configurations
- Sturdy structural elements
- Consistent detailing
- High quality materials
- Material changes
- Masonry chimneys and columns
- Dormers
- Exposed rafter tails

Lot owners, builders, and architects are encouraged to submit conceptual draft plans for review prior to finalizing plans to ensure that the intent of these requirements is met.

All front elevations shall have a minimum of three of the following architectural accents. It is required that three of the following accents should be provided to enhance and provide interest to the front façade of the house. Other architectural accents may be acceptable subject to ACC approval.

Three of the following accents shall be required on all front elevations:

1. Brackets or braces
2. Board and Batten
3. Window awnings
4. Multiple shutters
5. Planter boxes

6. Decorative shingles as siding material
7. Vents of significant character and size
8. Belly bands
9. Metal roofing accents
10. Copper gutters
11. Rafters on soffits
12. Brick or stone accents

Architectural Elevation Accents Examples:



1.30 Side and Rear Elevations, Architectural Elevations and Accents.

All side and rear elevations shall be enhanced through the use of architectural elements and embellishments compatible with the front elevation of the house.

It is required that all enhanced side and rear elevations include a minimum of three of the following architectural accents. Other architectural accents may be acceptable subject to ACC approval.

Three of the following accents shall be required on all side and rear elevations:

1. 20% brick, stone, or stucco applied to non-window and door areas.
2. Gable end ornamentation (including decorative vents, material changes, and eave posts or brackets)
3. Belly bands
4. Frieze Board
5. Roof beam ends, brackets, or braces
6. Window awnings
7. Multiple shutters
8. Rafters on soffits
9. Brick or stone accents

Rear Elevation Example



Side Elevation Example



1.31 AREA A: SEMI-CUSTOM / SMALL BUILDER PROGRAM DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See “Exhibit B” for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

A. Minimum Square Footage. Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Semi-Custom / Small Builder Program lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 3rd Filing

Block	Lot	Min SF Ranch	Min SF 2-Story
4	9	2,200	2,900
4	10	2,200	2,900
4	11	2,200	2,900
4	12	2,200	2,900
4	13	2,200	2,900
4	14	2,200	2,900
4	15	2,200	2,900
4	16	2,400	3,100
4	17	2,200	2,900
4	18	2,200	2,900
4	19	2,200	2,900
4	20	2,400	2,900
4	21	2,400	2,900
4	22	2,400	2,900
4	23	2,200	2,900
4	24	2,200	2,900
4	25	2,200	2,900
4	26	2,200	2,900
4	27	2,200	2,900
4	28	2,200	2,900
7	31	2,200	2,900
7	30	2,200	2,900
7	29	2,200	2,900
7	28	2,200	2,900

Heron Lakes 3rd Filing

Block	Lot	Min SF Ranch	Min SF 2-Story
7	27	2,200	2,900
7	26	2,200	2,900
7	25	2,400	3,100
7	24	2,200	2,900
7	23	2,200	2,900
7	22	2,200	2,900
7	21	2,400	3,100
7	20	2,200	2,900
7	19	2,200	2,900

1.32 AREA B: LUXURY MAINTENANCE FREE HOMES DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See “Exhibit B” for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

- A. Minimum Square Footage.** Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Luxury Maintenance Free Home lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 3rd Filing

Block	Lot	Min SF
3	1	2,000
3	2	2,000
3	3	2,000
3	4	2,000
3	5	2,000
3	6	2,000
3	7	2,000
3	8	2,000
3	9	2,000
3	10	2,000
3	11	2,000
3	12	2,000
3	13	2,000
3	14	2,000
3	15	2,000
3	16	2,000
3	17	2,000
3	18	2,000
3	19	2,000
3	20	2,000
3	21	2,000
3	22	2,000
3	23	2,000
3	24	2,000
3	25	2,000

Heron Lakes 3rd Filing

Block	Lot	Min SF
3	26	2,000
3	27	2,000
3	28	2,000
3	29	2,000
4	1	2,000
4	2	2,000
4	3	2,000
4	4	2,000

NOTE: Story and a half home may be considered at the sole discretion of the ACC. The minimum square footage described above will be for the main floor of the home. Additional square footage may be provided on a limited second floor but would not count toward the square footage requirement.

1.33 AREA C: THE ROOKERY – GATED COMMUNITY DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See “Exhibit B” for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

A. Minimum Square Footage. Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Rookery – Gated Community lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 3rd Filing – Phase 1

Block	Lot	Min SF	Min SF 2-Story
9	29	2,200	2,900
9	28	2,200	2,900
9	27	2,200	2,900
9	26	2,400	3,000
9	25	3,000	3,500
9	24	4,000	4,500
9	23	7,000	7,000
9	22	7,000	7,000
9	21	7,000	7,000
9	20	6,000	6,000
9	19	6,000	6,000
9	18	6,000	6,000
9	17	6,000	6,000
10	25	2,200	2,900
10	26	2,200	2,900
10	27	2,200	2,900
10	1	2,200	2,900
10	2	2,200	2,900
10	3	2,200	2,900

Heron Lakes 3rd Filing – Phase 2

Block	Lot	Min SF	Min SF 2-Story
8	1	2,600	4,000
8	2	2,600	4,000
8	3	3,000	4,000
8	4	3,000	4,000

Heron Lakes 3rd Filing – Phase 2

Block	Lot	Min SF	Min SF 2-Story
8	5	3,000	4,000
8	6	3,000	4,000
8	7	3,000	4,000
8	8	3,000	4,000
8	9	3,000	4,000
8	10	3,000	4,000
8	11	3,000	4,000
9	13	3,000	4,000
9	14	3,000	4,000
9	15	3,000	4,000
9	16	3,000	4,000
10	4	2,600	3,600
10	5	2,600	3,600
10	6	3,000	4,000
10	7	3,000	4,000
10	8	2,200	3,600
10	9	2,200	3,600
10	10	2,600	3,600
10	11	2,600	3,600
10	12	2,600	3,600
10	13	2,600	3,600
10	14	2,200	3,600
10	15	2,200	3,600
10	16	2,200	3,600
10	17	2,200	3,600
10	18	2,200	3,600
10	19	2,200	3,600
10	20	2,200	2,900
10	21	2,200	2,900
10	22	2,200	2,900
10	23	2,200	2,900
10	24	2,200	2,900

Note: Required square footage may be reviewed on a case-by-case basis. Minimum square footage may be reduced at the discretion of the ACC, based on quality of architecture, landscaping, site design, and house orientation.

1.34 AREA D: HOLE 10 CUL-DE-SAC DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See “Exhibit B” for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

- A. Minimum Square Footage.** Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Hole 10 Cul-de-sac lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 3rd Filing

Block	Lot	Min SF	Min SF 2-Story
2	7	2,200	2,900
2	8	2,200	2,900
2	9	2,400	3,100
2	10	3,000	3,700
2	11	3,000	3,700
2	12	2,600	4,300
2	13	2,400	3,100
2	14	2,400	3,100
2	15	2,400	3,100
2	16	2,400	3,100
2	17	2,400	3,100
2	18	2,400	3,100
2	19	2,400	3,100
2	20	2,400	3,100
2	21	2,400	3,100
4	5	2,200	2,900
4	6	2,200	2,900
4	7	2,200	2,900
4	8	2,200	2,900

Note: Required square footage may be reviewed on a case-by-case basis. Minimum square footage may be reduced at the discretion of the ACC, based on quality of architecture, landscaping, site design, and house orientation.

1.35 AREA E: WATERWAY ESTATE DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See "Exhibit B" for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

A. Minimum Square Footage. Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Waterway Estate lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 3rd Filing			
Block	Lot	Min SF	Min SF 2-Story
1	10	2,200	2,900
1	11	2,200	2,900
1	12	2,200	2,900
1	13	2,200	2,900
1	14	2,200	2,900
1	15	2,200	2,900
1	16	2,800	3,500
2	1	2,800	3,500
2	2	2,200	2,900
2	3	2,200	2,900
2	4	2,200	2,900
2	6	2,200	2,900

Note: Required square footage may be reviewed on a case-by-case basis. Minimum square footage may be reduced at the discretion of the ACC, based on quality of architecture, landscaping, site design, and house orientation.

1.36 AREA F: HOLE 9 CUL-DE-SAC DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See “Exhibit B” for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

A. Minimum Square Footage. Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on Hole 9 Cul-de-sac lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 3rd Filing			
Block	Lot	Min SF	Min SF 2-Story
1	1	2,200	2,900
1	2	2,200	2,900
1	3	2,600	3,400
1	4	2,600	3,400
1	5	2,400	3,100
1	6	2,100	2,800
1	7	2,500	3,200
1	8	2,500	3,200
1	9	2,500	3,200

Note: Required square footage may be reviewed on a case-by-case basis. Minimum square footage may be reduced at the discretion of the ACC, based on quality of architecture, landscaping, site design, and house orientation.

1.37 AREA G: NORTHERN LIGHTS - LUXURY MAINTENANCE FREE HOMES DESIGN STANDARDS. (REQUIREMENTS ARE SUBJECT TO CHANGE)

* See "Exhibit B" for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

A. Minimum Square Footage. Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Northern Lights - Luxury Maintenance Free Home lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 10 th Filing		
Block	Lot	Min SF
1	1	1,600
1	2	1,600
1	3	1,600
1	4	1,600
1	5	1,600
1	6	1,600
1	7	1,600
1	8	1,600
2	1	1,600
2	2	1,600
2	3	1,600
2	4	1,600
2	5	1,600
2	6	1,600
2	7	1,600
2	8	1,600
3	1	1,600
3	2	1,600
3	3	1,600
3	4	1,600
3	5	1,600
3	6	1,600
3	7	1,600
3	8	1,600
3	9	1,600

Heron Lakes 10th Filing

Block	Lot	Min SF
3	10	1,600
3	11	1,600
3	12	1,600
3	13	1,600

Heron Lakes 11th Filing

Block	Lot	Min SF
5	1	1,600
5	2	1,600
5	3	1,600
5	4	1,600
5	5	1,600
5	6	1,600
5	7	1,600
8	1	1,600
8	2	1,600
8	3	1,600
8	4	1,600
8	5	1,600
8	6	1,600
8	7	1,600
8	8	1,600
8	9	1,600
8	10	1,600

NOTE: Story and a half home may be considered at the sole discretion of the ACC. The minimum square footage described above will be for the main floor of the home. Additional square footage may be provided on a limited second floor but would not count toward the square footage requirement.

1.38 AREA H: NORTHERN LIGHTS - LUXURY MAINTENANCE FREE HOMES – PHASE 2 - DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See “Exhibit B” for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

A. Minimum Square Footage. Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Northern Lights - Luxury Maintenance Free Home – Phase 2 lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 11 th Filing		
6	1	2,000
6	2	2,000
6	3	2,000
6	4	2,000
6	5	2,000
6	6	2,000
7	1	2,000
7	2	2,000
7	3	2,000
7	4	2,000
7	5	2,000
7	6	2,000
7	7	2,000
7	8	2,000

NOTE: Story and a half home may be considered at the sole discretion of the ACC. The minimum square footage described above will be for the main floor of the home. Additional square footage may be provided on a limited second floor but would not count toward the square footage requirement.

1.39 AREA I: NORTHERN LIGHTS ESTATE LOTS –DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See “Exhibit B” for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

A. Minimum Square Footage. Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Northern Lights Estate lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 11th Filing

Block	Lot	Min SF	Min SF 2-Story
1	1*	2,500	3,500
1	2*	2,500	3,500
1	3*	2,500	3,500
1	4*	2,500	3,500
1	5*	2,500	3,500
3	1	3,200	4,000
3	2	3,000	4,000
3	3	3,000	4,000
3	4	3,000	4,000
4	1	3,000	3,500
4	2	3,000	3,500
4	3	3,000	3,500
4	4	3,000	3,500
4	5	3,200	3,500

Heron Lakes 18th Filing

Block	Lot	Min SF	Min SF 2-Story
1	1	3,000	3,500
1	2	3,000	3,500
1	3	3,000	3,500
1	4	3,000	3,500
1	5	3,000	3,500
1	6	3,000	4,000

* Lots 1-5, Block 1, for safety reasons, will be encouraged to do a side-load garage so that cars from these homes can pull out onto Heron Lakes Parkway going forwards.

Note: Required square footage may be reviewed on a case-by-case basis. Minimum square footage may be reduced at the discretion of the ACC, based on quality of architecture, landscaping, site design, and house orientation.

1.40 AREA J: PENINSULA ESTATE LOTS - DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See "Exhibit B" for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

A. Architectural Requirements for Peninsula Lots. The peninsula is a unique and special portion of the Heron Lakes Community. The expectation is that each home designed and built here should be custom in nature with high quality design, materials and features that are consistent with a chosen style that is reflective of these Rules and Regulations. Special attention should be paid to the streetscape as well as the rear elevations of every home. Homes that back to the east will be given special review to ensure that quality architecture is included with every home. Preliminary Conceptual Plans are encouraged to be submitted to the ACC to get early feedback.

B. Landscape Requirements for Peninsula Lots with eastern frontage on McNeil Reservoir. Please see Exhibit B for which lots this applies to. Please see Exhibit H for an example of rear yard landscape and use. Each yard will be reviewed on a case-by-case basis to ensure quality landscape and a compatible view from the main Clubhouse. Each lot owner is required to install sandstone boulders at each lot corner and shall be responsible for extending the boulders on the eastern property line to define the edge of each yard. These boulders shall extend along the entire property line, except for where beach is approved. Outdoor entertainment areas including fire pits, outdoor kitchens, patios, putting greens, beach, etc. are strongly encouraged.

C. Minimum Square Footage. Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Peninsula Estate lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 3rd Filing			
Block	Lot	Min SF	Min SF 2-Story
5	1	2,600	3,600
5	2	2,600	3,600
5	3	2,600	3,600
5	4	2,600	3,600
5	5	2,600	3,600
5	6	2,600	3,600
5	7	2,600	3,600
5	8	3,000	3,600

Heron Lakes 3rd Filing

Block	Lot	Min SF	Min SF 2-Story
6	1	2,600	3,600
6	2	2,600	3,600
6	3	2,600	3,600
6	4	2,600	3,600
6	5	2,600	3,600
6	6	2,600	3,600
6	7	2,600	3,600
6	8	2,600	3,600
6	9	2,600	3,600
6	10	2,600	3,600
6	11	2,600	3,600
6	12	2,600	3,600
6	13	2,600	3,600
6	14	2,600	3,600
6	15	2,600	3,600
6	16	2,600	3,600
6	17	2,600	3,600
6	18	3,000	3,600
6	19	3,000	3,600
7	1	2,600	3,600
7	2	2,600	3,600
7	3	2,600	3,600
7	4	2,600	3,600
7	5	2,600	3,600
7	6	2,600	3,600
7	7	2,600	3,600
7	8	2,600	3,600
7	9	2,600	3,600
7	10	2,600	3,600
7	11	2,600	3,600
7	12	2,600	3,600
7	13	2,600	3,600
7	14	2,600	3,600
7	15	2,600	3,600
7	16	3,000	3,600
7	17	3,000	3,600
7	18	3,000	3,600

Note: Required square footage may be reviewed on a case-by-case basis. Minimum square footage may be reduced at the discretion of the ACC, based on quality of architecture, landscaping, site design, and house orientation.

1.40 AREA K: FAIRWAY VIEW - LUXURY MAINTENANCE FREE HOMES DESIGN STANDARDS.

(REQUIREMENTS ARE SUBJECT TO CHANGE)

* See "Exhibit B" for the location of each lot area

NOTE: THESE DESIGN STANDARDS FOR EACH SPECIFIC LOT AREA ARE INTENDED TO HIGHLIGHT ITEMS THAT MAY BE UNIQUE OR DIFFERENT THAN THE REST OF THE SUBDIVISION. ATTENTION MUST BE PAID TO THE DESIGN GUIDELINES THAT APPLY TO THE ENTIRE PROJECT.

A. Minimum Square Footage. Unless otherwise approved by the ACC in their sole discretion, no dwelling may be erected on a Fairway View - Luxury Maintenance Free Home lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings meets the minimum square footage as described below:

Heron Lakes 12th Filing

Block	Lot	Min SF
1	1	2,000
1	2	2,000
1	3	2,000
1	4	2,000
1	5	2,000
1	6	2,000
1	7	2,000
1	8	2,000
1	9	2,000
2	1	2,000
2	2	2,000
2	3	2,000
2	4	2,000
2	5	2,000
2	6	2,000
2	7	2,000
2	8	2,000
2	9	2,000
2	10	2,000
2	11	2,000
2	12	2,000
2	13	2,000
2	14	2,000
2	15	2,000
2	16	2,000

Heron Lakes 12th Filing

Block	Lot	Min SF
2	17	2,000
2	18	2,000
2	19	2,000
2	20	2,000
2	21	2,000
2	22	2,000
2	23	2,000
2	24	2,000
2	25	2,000
3	1	2,000
3	2	2,000
3	3	2,000
3	4	2,000
3	5	2,000
3	6	2,000
3	7	2,000
3	8	2,000
3	9	2,000
3	10	2,000
3	11	2,000
3	12	2,000
3	13	2,000
3	14	2,000
4	1	2,000
4	2	2,000
4	3	2,000
4	4	2,000
4	5	2,000
4	6	2,000
4	7	2,000
4	8	2,000
4	9	2,000
4	10	2,000
4	11	2,000
4	12	2,000
4	13	2,000
4	14	2,000
4	15	2,000
4	16	2,000
4	17	2,000

Heron Lakes 12th Filing

Block	Lot	Min SF
4	18	2,000
4	19	2,000
4	20	2,000
4	21	2,000
5	1	2,000
5	2	2,000
5	3	2,000
5	4	2,000
5	5	2,000
5	6	2,000
5	7	2,000
6	1	2,000
6	2	2,000
6	3	2,000
6	4	2,000
6	5	2,000
6	6	2,000
6	7	2,000
6	8	2,000

NOTE: Story and a half home may be considered at the sole discretion of the ACC. The minimum square footage described above will be for the main floor of the home. Additional square footage may be provided on a limited second floor but would not count toward the square footage requirement.

II. Specific Types of Improvements.

- 2.1 General.** Following is a listing, in alphabetical order, of restrictions as well as a wide variety of specific types of improvements which homeowners typically consider installing, with pertinent information as to each. UNLESS OTHERWISE SPECIFICALLY STATED (SEE SECTION 3.2), DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE ARCHITECTURAL CONTROL COMMITTEE (ACC) AND THE WRITTEN APPROVAL OF THE ACC OBTAINED BEFORE THE IMPROVEMENTS ARE MADE. In some cases, where it is specifically noted, a homeowner may proceed with the improvement without advance approval by the ACC if the homeowner follows the stated guideline. In some cases, where specifically stated, a type of improvement is prohibited. **Any improvement not listed below requires ACC approval.**
- 2.2 Accessory Buildings.** ACC approval is required. Approval will be based upon, but not limited to, the following criteria:
- A. Must be of the same or generally recognized as complementary architectural style, material and color as that of the residence.
 - B. Minimum sizes will be 8 feet x 10 feet x 9 feet in height including skids, foundations, or concrete slab. Requests for approval will be reviewed on a case-by-case basis, taking into consideration the lot size, square footage of the home and proposed location of shed or accessory building. Keeping out of drainage easements.
 - C. All sides must be screened by landscape, or the home. Landscape must be evenly distributed on all exposed sides and must not allow more than 50% of building to be viewed from ground level.
 - D. Any utilities to accessory building shall be underground.
 - E. Shall be located in the side or rear yard.
 - F. Setbacks shall meet or exceed Town of Berthoud setback standards.
 - G. Roof material must match the existing roof of the residence unless otherwise approved by ACC.
- 2.3 Additions and Expansions.** ACC approval is required. Additions or expansions to the home will require submission of detailed plans and specifications. Materials shall match the existing residence.

- 2.4 Address Numbers.** An address block made of stone or decorative metal must be used. This address block must be located on the front of the house in an easily visible location, unobstructed by landscaping, to allow for easy identification by visitors and emergency personnel. Address numbers must be a minimum of 5" in height and must create a contrast from the background materials to increase visibility. Design of address block shall be included in architectural approval by ACC.
- 2.5 Advertising.** Trade signs of any type are not allowed. Other than Realty signs, or rental signs, no other advertising is allowed. Realty signs, see Signs, Section 2.70.
- 2.6 Air Conditioning Equipment.** ACC approval is required. Window units are not allowed. All ground mounted air conditioning units shall be installed at the side or rear yard and be properly screened from view. See also Evaporative Coolers, Section 2.28.
- 2.7 Antennas.** Exterior radio antennas, television antennas, microwave or other electronic signal, receiving or transmitting equipment shall not be erected in Heron Lakes Community unless approved by the ACC, or as otherwise allowed by State or Federal law. Antennas are allowed in the attic with our ACC approval. Most antennas will work in the attic.
- 2.8 Satellite Antenna/Dish.** One (1) small satellite antenna/dish may be installed and maintained on any privately owned site, but only upon compliance with the following conditions:
- A. Prior written approval of the ACC must be obtained, both before installation and before relocation of any previously approved existing satellite antenna/dish.
 - B. The satellite antenna/dish must be twenty-four (24) inches or less in diameter and must be indistinguishable from other structures, devices or improvements otherwise allowed in the community and /or these Guidelines.
 - C. The satellite antenna/dish must not be visible from the front of the privately owned site upon which it is located.
 - D. Adequate screening (shrubbery, etc.) as is deemed appropriate by the ACC to effectuate the intent of paragraphs (B and C) and also to adequately screen the satellite antenna/dish from neighboring privately owned sites, parks, parkways, greenbelts, open space, and the golf course must be proposed and provided.
 - E. The satellite antenna/dish installed on a privately owned site is restricted for the personal use of the owner of the site.

- F. When located at ground level, the top of the satellite antenna/dish shall not exceed forty-five (45”) inches above grade.
- G. The installation of the satellite antenna/dish must comply with any zoning requirements and building code, if applicable, with evidence of such compliance to be provided to ACC.

NOTE: ACC approval of a satellite antenna/dish is in no way to be construed as a representation, guaranty, warranty, etc. by the ACC that reception and/or transmission signals will be adequate or will remain undisturbed by vegetation or improvements located on surrounding properties.

2.9 TV Antenna/Dish, Radio Antenna/Dish and Other Antenna/Dish. Although approved satellite antenna/dish may be installed on privately owned sites, all other exterior radio, TV or other antenna/dishes shall remain restricted from residential privately owned sites unless installed within the attic of the homes.

2.10 Awnings. See Overhangs, Section 2.51

2.11 Balconies. See Decks, Section 2.23

2.12 Basketball Backboards, Portable and Permanent Backboards. ACC approval is required for every free-standing, pole mounted basketball goal. Free standing, pole mounted backboards shall not be constructed in the “front” yard, whether permanent or sleeve set. Garage mounted backboards shall not be permitted. “Rear” and “side” yard pole mounted basketball backboards may be approved based upon, but not limited to, the following considerations: proximity of goal to the property lines, proximity to the neighbor’s living area, appearance of equipment, landscaping and vehicles.

2.13 Birdbaths. ACC approval is not required.

2.14 Birdhouses and Birdfeeders. ACC approval is not required.

2.15 Boats. See Motor Vehicles/Recreational Vehicles, Section 2.50

2.16 Business Activity from a Residence. Each home site shall be used as a site for a residence and for no other purpose. Commercial business or trade must be approved by ACC to conduct any business with very limited traffic volume. Except such home occupations as defined and permitted under applicable Town of Berthoud zoning codes and regulations. Said home occupations are not allowed if there will be a change from normal residential use including, but not limited to trash, sound, odor, signage, traffic, vehicles, parking, and deliveries.

- 2.17 Campers.** See Motor Vehicles/Recreational Vehicles, Section 2.50
- 2.18 Car Covers or Carports.** Not permitted. See Sections 2.22 and 2.50 for allowable methods of vehicle storage.
- 2.19 Circular Drives.** See Driveways, Section 2.27
- 2.20 Clothes Lines and Hangers.** Clothes lines or clothes drying structures are not permitted without approval. Try to avoid clothing, fabrics and other articles drying, or airing so as not to be visible from other properties if possible.
- 2.21 Compost.** ACC approval is not required. Compost containers must be used and screened from adjacent properties and odor must be controlled. Underground composting is allowed. The installation of the containers must conform with Town of Berthoud regulations.
- 2.22 Commercial and/or Oversized Vehicles.** A commercial vehicle is defined as, but not limited to, a vehicle that has a business name or logo on it, has equipment attached to or is used for the purpose of providing services to an individual or corporation. An oversized vehicle is defined as a vehicle including a boat, R.V. or trailer. All commercial and oversized vehicles must be parked in the garage. Oversized vehicles or “un-garagable” commercial vehicles are not allowed to be parked in the driveway, rear yard, side yard, or on the street. No vehicle, whether commercial or oversized, shall be parked in such a manner that it blocks access unless it is for immediate delivery. RV, Boat/trailer, R.V., trailers, campers, etc. are limited to 48 hours. Periodic movement of the vehicle for the sole purposes of circumventing this standard shall not qualify the vehicle for exception from these standards.
- 2.23 Decks.** ACC approval is required. Must be wood, composite, iron or other material similar to the material of the residence and must be painted or stained in a color similar to or generally acceptable as complementary to the residence. Elevated decks require a masonry component on columns or posts and must be a minimum of 16 inches x 16 inches if square/rectangular or 12 inches in diameter if round. Covered decks shall use the same roofing materials and must be installed as an integral part of the residence and patio area. Construction shall not occur over easements and must be set back in accordance with the setback requirements of the Town of Berthoud.
- 2.24 Dog Runs.** ACC approval is required. Considerations shall include, but not be limited to, location in “rear” or “side” yard and abutting the home, proximity to neighbor’s residence, “screened” from view, type of cover if utilized, limited in size to 250

square feet maximum, and shall match the style and color of the perimeter fence. If a cover is used, the cover type and materials used must be addressed in the request for approval, generally tarpaulins are not allowed. "Dog kennels" are not allowed. An approved wireless and/or underground electric fence may be approved by the ACC provided that the design and material meet the approval of the ACC.

2.25 Doors. ACC approval is not required for the addition of screen or other type doors to a home or an accessory building if the material matches or is similar to existing doors on the house and if the color is generally accepted as a complementary color to that of the existing doors on the house. Security treatments for doors and windows must be approved by the ACC.

2.26 Drainage. ACC approval is required for any change affecting drainage. Lot grading must comply with the approved Grading Plan on record with the Town of Berthoud. The Covenants require that each lot owner be responsible for providing adequate water drainage from the lot into existing storm drainage or street gutters, so that water does not drain onto adjacent lots. The established drainage pattern as engineered and constructed by the Developer/Builder prior to (or in some cases, immediately following) conveyance of title from the Developer/Builder must not be interfered with, except as approved in writing by the ACC. When installing landscaping, it is particularly important to ensure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks and driveways. Water shall flow over walkways, sidewalks or driveways into the street. The ACC may require a report and drainage certification from a licensed civil engineer as a part of landscaping or improvement plan approval. Irrigation should not be up close to foundation, landscaping shall conform to the established drainage pattern. Sump pump drainage shall be vented a reasonable distance from the property line to allow for absorption on the lot.

2.27 Driveways. Extension, expansion or resurfacing of driveways requires ACC approval. Any approved driveway expansion shall not be intended to promote the parking or storage of any vehicle off the driveway on a side yard. To avoid long expanses of concrete driveways, the ACC shall require properties to taper the driveway to twenty (20) feet at the back of walk. Driveways up to twenty-four (24) feet in width will be allowed if the outer two (2) feet on both sides are decorative concrete or pavers.

2.28 Evaporative Coolers. ACC approval is required. No rooftop installations are allowed. See Air Conditioning Equipment, Section 2.6

2.29 Exterior Lighting. See lights and lighting, Section 2.48, and Holiday Decorations, Section 2.40. Any addition to the original fixtures (garage, front and rear doors) must be approved by the ACC. Note: Builders and homeowners may not install

accessory lighting without proper approval and authorization. The Town of Berthoud and Heron Lakes Community are believers in “Dark Sky” principals. Please ensure that all exterior lighting is cut-off lighting and downward directed. The source of light in any light fixture shall be shielded and shall not be visible from outside the property where the light is located. In addition, all exterior lighting shall be International Dark Sky BHMD’s (IDA) compliant.

2.30 Fences.

- A. General Statement: Fences and/or walls constructed by the Developer or Builder along or abutting property lines, arterial streets, collector streets, and local streets, greenbelts or the golf course shall not be removed, replaced, painted a different color or altered, including adding a gate, without approval of the ACC. No gates allowed in District owned or Golf course owned fences. If any such fences and/or walls constructed by the Developer or Builder which are located on a homeowner’s property are damaged or destroyed by the homeowner, then the homeowner shall repair or recondition the same at homeowner’s expense.
- B. Perimeter lot fencing shall be permitted. Fences that are presently permitted are perimeter, and dog runs. ACC approval is required of all fencing (see Exhibits “C” for fence types and “D” for fence plan.)
- C. Drainage Under Fencing: It is important to remember that certain drainage patterns exist along or under proposed fence locations. When constructing a fence, be sure to provide a space of 2 inches to 3 inches between bottom of the fence and the ground elevation so as not to block these drainage patterns.
- D. Perimeter fence, and dog runs planned to be located in the rear or side yards along property lines (not previously installed by Developer) must be constructed and stained exactly in accordance with the specifications shown on the Heron Lakes Community Homeowner Fencing Plan and Details (Exhibits “C” and “D” attached to these guidelines). ACC approval of the location of the fence is required prior to installation by submitting a professional sketch using the site plan of the home site showing the fence line and gates and any variations in height. Fencing shall be set back a minimum of eight (8) feet from the front of the house. On corner lots, side yard fencing shall be setback a minimum of 4’ behind the sidewalk or behind utility easements. This landscape area shall be well planted with landscape to provide a buffer between the streetscape and private fencing. (See Exhibits “C” and “D” for fencing design). Alley loaded products may be allowed “picket” style front yard fencing on a case-by-case basis. Any picket fencing shall be included on site/landscape plans submitted for review to the ACC.
- E. Maintenance and Staining: Regular physical and aesthetic maintenance of fencing is required. The maintenance of the fencing installed by Developer

between greenbelts and lot lines becomes the responsibility of the Metropolitan District. The Metropolitan District reserves the right to access the inside of fencing as needed in order to provide maintenance of fencing and/or fence columns. Homeowner/Builder is responsible for any damage done by homeowner or builder. Staining of all homeowner's fences must be done with the approved stain for Heron Lakes Community. See Fencing Plan and Details document.

- 2.31 Firewood Storage.** See Wood Storage, Section 2.99
- 2.32 Flags and Flagpoles.** ACC approval is required. **Pole mounted flagpoles are not allowed.** House mounted flags are limited to no more than two and cannot be mounted so that they are greater than 8' off the ground.
- 2.33 Garbage Containers and Storage Areas.** See Trash Pickup, Containers, and Enclosures, Section 2.85
- 2.34 Gardens – Flower.** ACC approval is not required. A landscape plan including the location of the flowers must be submitted. All flower gardens must be weeded, cared for and carefully maintained.
- 2.35 Gardens – Vegetable.** ACC approval is required. All Gardens – Vegetable must be “screened” and located in the rear or side yard. It must be weeded, cared for and carefully maintained. A landscape plan, including location of the vegetable garden must be submitted along with a landscape plan with how the Vegetable Garden will be screened.
- 2.36 Gazebos.** ACC approval is required. Must be an integral part of the landscape plan and must not obstruct adjacent property owner's primary views. The location must comply with Town of Berthoud setback requirements.
- 2.37 Grading and Grade Changes.** See Drainage, Section 2.26
- 2.38 Greenhouses.** ACC approval is required. Approval will be based upon, but not limited to, general aesthetics, quality and permanence of materials used. Adequate screening will be required.
- 2.39 Hanging of Clothes.** See Clothes Lines and Hangers, Section 2.20
- 2.40 Holiday Decorations:** These Holiday/Seasonal Decoration guidelines for Berthoud Heritage Metro Districts are intended to promote consistency and maintain standards among the neighborhoods and adjoining Lots.

HOLIDAY/SEASONAL DECORATIONS – Are permitted with the following qualifications and conditions:

- a. Holiday/seasonal decorations shall not be displayed more than Forty (40) days prior to a holiday/celebration and must be removed within Forty (40) days. Any individual home shall be allowed to have lights illuminated for a maximum of eighty (80) days in a calendar year.
- b. No roof top animated figures or audible music shall be allowed.
- c. No decorations shall be displayed in such a manner as to be offensive to the neighborhood or create a public nuisance. It is recommended that Holiday/Seasonal decorations and lighting systems be turned off by 10:00pm, as a common courtesy.
- d. Up to three lawn figures are allowed, not to exceed ten (10) feet in height, appropriate for the recognized holiday/celebration and subject to the above restrictions.
- e. No Decorations shall be displayed which, by their color, wording, design, location, or illustrations, distract attention from passing motorists are not allowed.
- f. No Decorations shall be displayed that create a noxious odor or would otherwise be considered a visual nuisance.
- g. Seasonal (permanent) or year-round lighting systems may be allowed subject to ACC review. Homeowners must submit Architectural Design Application with fees for review.

2.41 Hot Tubs. ACC approval is required. It is suggested that it be an integral part of the deck or patio area and/or the rear yard landscaping. Must be in the rear yard and must be screened from adjacent property owners with landscaping. In ground hot tubs are strongly encouraged. Hot tubs must be located within the building setbacks.

2.42 Irrigation systems. All lawns, unless provided with potable water for irrigation purposes, shall have an automatic irrigation system set up for non-potable water with inline filter and blow out valve, all approved by the ACC and shall be submitted in conjunction with the landscape plan. Automatic irrigation systems should be set up to run all zones within non-potable watering scheduled times. No underground manual irrigation system will be approved. All irrigation must be professionally designed and installed. Overspray from irrigation systems shall not encroach onto other properties.

- 2.43 Jacuzzi.** See Hot Tubs, Section 2.40
- 2.44 Junk/Inoperable Vehicles.** See Motor Vehicles/Recreational Vehicles, Section 2.50
- 2.45 Kennels.** Not allowed. See Dog Runs, Section 2.24 and Definitions
- 2.46 Landscaping.** See Section IV Landscape Review and Requirement Process.
- 2.47 Latticework.** ACC approval is required for any type of trellis or latticework.
- 2.48 Lights and Lighting.** ACC approval is required to change or add exterior lighting. Therefor the use of motion detector spots, spotlights, floodlights or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.) require ACC approval. Considerations shall include, but not be limited to, the visibility, style and location of the fixture. Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the lot boundaries and the light source is not visible from outside of the property. (Bullet type light fixtures are recommended.)
- 2.49 Motorcycle.** See Section 2.50.
- 2.50 Motor Homes.** Not permitted to be located or parked in residential areas. See Motor Vehicles/Recreational Vehicles, Section 2.50.
- 2.51 Motor Vehicles/Recreational Vehicles.** No recreational vehicles, campers, campers on/off a vehicle, boats, mobile homes, horse trailers, or other trailers, tractors, motor homes or trucks (other than a pickup) shall be stored or parked in such a manner as to be visible from any other property for **longer than ninety-six (96) consecutive hours (4 days) during any month**, except as shall be approved in writing by the ACC. Such vehicles shall be kept only within garages or enclosed structures approved by the ACC. Periodic movement of the vehicle for the sole purposes of circumventing this standard shall not qualify the vehicle for exception from these standards.
Inoperable vehicles (legal and/or mechanical) cannot be repaired, parked, stored or allowed to remain on any property. All inoperable vehicles shall be towed. All vehicle servicing and repairs must be done within the garage.
- 2.52 Overhangs/Awnings.** ACC approval is required. The color must be the same as, or generally recognized as complementary, to the exterior of the residence.
- 2.53 Painting.** ACC approval is required for all exterior painting. The submittal must contain the manufacturer's paint chips with name and color number. Approval will take into consideration, but not be limited to, the "sheen" of paint, the home's

architecture, stone or brick accents, roofing color, and color of neighboring properties.

- 2.54 Patio Covers.** ACC approval is required. Must be constructed of wood or material generally recognized as complementary to the home and be similar or generally recognized as complementary in color to the colors in the home. Free-standing patio covers shall be permitted as well as extensions of the roof.
- 2.55 Patios – Enclosed.** See Additions and Expansions Section 2.3
- 2.56 Patios – Open.** ACC approval is required. Must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. Must be similar or generally accepted as a complementary color and design of the residence.
- 2.57 Paving.** ACC approval is required, regardless of whether for walks, driveways, patio areas, or other purposes and regardless of whether concrete, brick, flagstones, steppingstones, pre-cast patterned or exposed aggregate pavers are used as the paving material.
- 2.58 Pipes.** Exterior pipes and equipment must be approved. Adequate screening shall be required. PVC pipes are usually not allowed. See Roofs (Replacement), Section 2.63. See Utility Equipment, Section 2.89.
- 2.59 Play and Sports Equipment.** ACC approval is required. All playground equipment must be located from rear and side home site lines a minimum distance equal to the tallest height of the equipment, but not less than 10 feet. All playground equipment is required to be of wood construction and must be stained with the same color specification as used for the fencing throughout the subdivision. Absolutely no metal play equipment shall be permitted. All slides, canopies, and covering for playsets and swings must be earthtones and compatible with colors of the exterior of the home. A playground area shall be designated on the approved landscape plan for construction of play equipment. (This designation allows neighboring homeowners to plant screening landscape features). Moveable temporary play equipment less than 5 feet in height must be placed/stored out of view from adjacent properties. Consideration shall also be given to securing lightweight play equipment which is subject to movement by high winds.

Trampolines must be placed in the backyard of a lot, must be set back a minimum of 10 feet from all property lines, must be buried at ground level, must be screened and hidden from all adjoining properties and must be firmly anchored to the ground for wind protection. Safety and liability are the homeowner's responsibility.

2.60 Playhouses. ACC approval is required. If a structure is more than 24 square feet or over six (6) feet high, it shall be considered an accessory building.

2.61 Poles. See Flagpoles, Utility Equipment, Basketball Backboards, Birdhouses, etc.

2.62 Pools. ACC approval is required. Above ground pools shall not be permitted. See Hot Tubs, Section 2.40.

2.63 Radio Antennas. See Antennas, Section 2.7.

2.64 Roofs. ACC approval is required for all roof materials. The submittal must contain a 4-inch x 4-inch layout of the manufacturer's material with name and code number. All other roofing materials and colors shall be approved on a case-by-case basis by the ACC. Replacement of roof must be approved by the ACC if material or color is changed.

All vents and pipes must be located on the rear and/or side of roofs whenever possible and shall be painted a similar color as the roof composition material. When possible, vent and pipes should be concealed in non-working chimneys and or cupolas.

2.65 Rooftop Equipment. ACC approval is required.

2.66 Saunas. ACC approval is required.

2.67 Screen Doors. See Doors, Section 2.25.

2.68 Sewage Disposal System. All homes shall be connected to a central sewer system. No residential cesspools, septic tanks or other non-central systems will be approved.

2.69 Exterior Shutters. ACC approval is required. Exterior mounted security roll type shutters are not allowed.

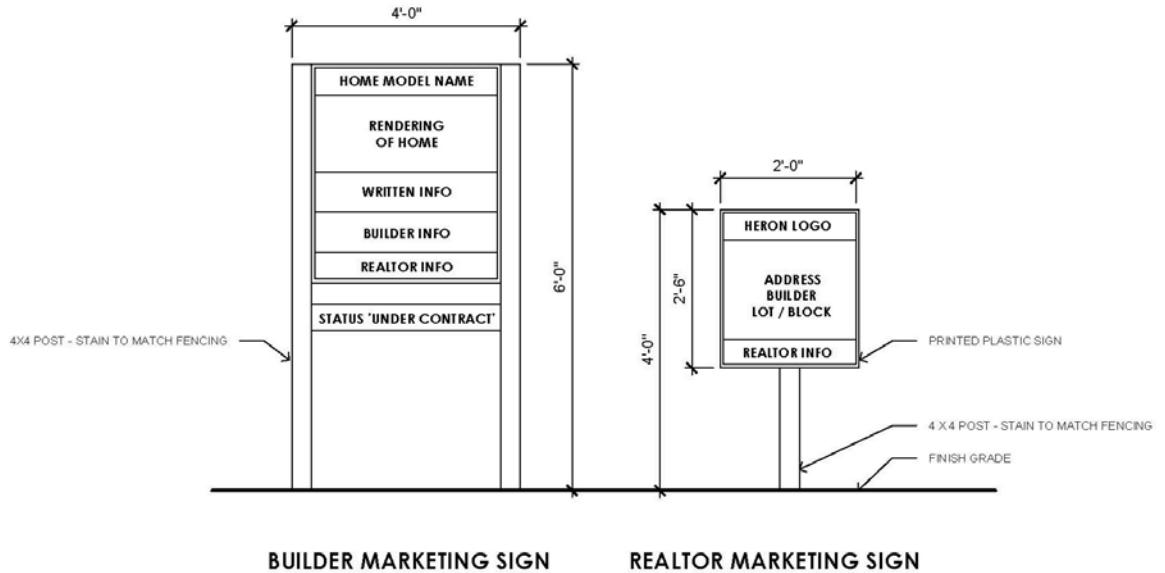
2.70 Siding. ACC approval is required. The submittal must contain a 4-inch x 4-inch layout of the manufacturer's material.

2.71 Signs. ACC approval is required for signs.

During home construction, the builder may install a temporary sign showing a rendering of the home and builder information. These temporary builder signs must be no more than six (6) feet in height and no more than four (4) feet wide. An additional realtor marketing sign may be installed for homes under construction. Sign shall match detail below.

For resale homes or vacant lots for sale, no more than one sign shall be posted at any one time on the site. Lot/Home for sale signs shall be no more than 4 feet in height on post with sign face dimension measurements no more than two (2) feet wide by two feet-six inches (2'-6") high.

Lot sign example



- NOTES:
 1. SIGN TO BE SINGLE-SIDED AND FACING STREET
 2. REALTORS CAN INSTALL MARKETING BROCHURE BOXES ON 4X4 POSTS
 3. STAIN COLOR: SOLID BODY EXTERIOR "CAVIAR" BY SHERMAN WILLIAMS

2.72 Skylights. ACC approval is not required if 3 feet x 5 feet or smaller. Any skylight larger than 3 feet x 5 feet or multiple skylights shall be required to receive ACC approval.

2.73 Solar Energy Devices. ACC approval is required. See Section 1.27a - Aesthetic Provisions to Energy Efficient Measures and Renewable Energy Generation Devices and Roofs - Section 2.63.

2.74 Spas. See Hot Tubs, Section 2.40.

2.75 Sprinkler Systems. See Irrigation, Section 2.41.

2.76 Statues. ACC approval is required. It is recommended to install all statues in the rear yard and of a height not greater than 5 feet, including any pedestal.

2.77 Storage Sheds. See Accessory Buildings, Section 2.2.

2.78 Sunshades. See Overhangs, Section 2.51.

- 2.79 Swamp Coolers.** See Evaporative Coolers, Section 2.28 and Rooftop Equipment, Section 2.64.
- 2.80 Swing Sets.** See Play and Sports Equipment, Section 2.58.
- 2.81 Television Antenna.** See Antennas, Section 2.7.
- 2.82 Temporary Structures.** ACC approval is required. Tents, temporary structures or temporary buildings are prohibited without the prior consent of the ACC, and except in unusual circumstances such consent will not be given. Camping tents for occasional overnight sleeping by children or party tents will not require ACC approval if left up for not longer than 48 hours.
- 2.83 Temporary Vehicles.** See Motor Vehicles/Recreational Vehicles, Section 2.50.
- 2.84 Trailers.** See Motor Vehicles/Recreational Vehicles, Section 2.50.
- 2.85 Trampolines.** See Play and Sports Equipment, Section 2.58.
- 2.86 Trash Containers, Enclosures, and Pick Up Day.** Trash enclosures require approval of the ACC. Trash, refuse, garbage, lumber, grass, shrub and tree clippings, plant waste, compost, metal, build materials, scrap, or debris of any kind shall not be kept, stored, or allowed to accumulate on any lot except within an enclosed structure or appropriately screened from view. Trash/recycling containers may be placed out after 7:00 p.m. on the evening before pick-up day. Trash/recycling containers must be taken in the day of pick-up and stored out of sight in garage. Trash/recycling containers shall be kept in a good, clean and sanitary condition. BHMD has selected one designated trash day in order to reduce noise and wear on the streets and to enhance the safety and cleanliness of the neighborhood. Owners shall be directly responsible to the trash hauler for the cost of trash services. **The Metro District will choose the trash waste pick up day, which is currently Thursday, subject to change.** The only exception for pick up day is recycling, national holiday, or weather. See Compost, Section 2.21.
- 2.87 Treehouses.** Shall not be permitted.
- 2.88 Trucks.** See Section 2.22 and 2.50.
- 2.89 Underground Installations.** ACC approval is required.
- 2.90 Utility Equipment.** Installation of utilities or utility equipment requires ACC approval unless located underground or within an enclosed structure. Pipes, wires, poles, utility meters, and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.

- 2.91 Vanes.** See Wind Chimes, Section 2.98.
- 2.92 Vehicles (Large).** See Motor Vehicles, Sections 2.22 and 2.50.
- 2.93 Vents.** See Rooftop Equipment, Section 2.64.
- 2.94 Views.** Views are not a property right. Each and every lot owner and home owner shall have the right to fully enjoy their lot, including but not limited to constructing a home that goes to the edges of the allowed setbacks, constructing a home that meets the maximum height allowed by Town of Berthoud codes, fully landscaping their lot, as allowed and approved by the ACC. The BHMD will not restrict a lot owner or home owner from the full enjoyment of their lot by restricting development of their lot to protect views from neighboring properties.
- 2.95 Walls.** See Fences, Section 2.30.
- 2.96 Walls – Retaining.** ACC approval is required. Walls shall not void reasonable fencing of property lines, nor disturb certified drainage plans and be constructed of a material which complements the architectural materials of the home.
- 2.97 Water Purification Systems.** ACC approval is not required if the water purification system is completely contained within the dwelling unit and causes no architectural change to the exterior of home.
- 2.98 Wells.** Not permitted. No mining or extraction of minerals shall be permitted on any lot.
- 2.99 Windows, Tinting, Security Bars, etc.** ACC approval is required. Note: security bars shall not be approved on second story windows and windows visible to the street.
- 2.100 Wind Turbines, Wind Vanes, Wind Chimes, Directionals, etc.** ACC approval is required.
- 2.101 Wood Storage.** ACC approval is not required provided that the wood is located in the backyard, adjacent to the house, must be neatly stacked, must be screened from neighbor's view, and golf course view, and must not be located so as to block any existing drainage pattern on site.

III. Procedures for ACC Approval:

- 3.1 General.** These Guidelines are published to assist Owners and Builders in complying with the Covenant provisions of BHMD and The Heron Lakes Community and to encourage all residential construction to be completed in conformity with the provisions for architectural control. These are guidelines only and the Architectural Control Committee (ACC) has final authority for the plans submitted. Individual items may be waived, or other requirements added to produce an acceptable outcome or may be varied by location and home site to enhance compatibility.

As indicated in the listing of specific types of improvements, there are some cases in which advance written approval of the ACC is not required if the guidelines with respect to that specific type of improvement are followed. In a few cases, as indicated in the listing, a specific type of improvement is not permitted under any circumstances. IN ALL CASES, INCLUDING IMPROVEMENTS NOT INCLUDED IN THE LISTING, ADVANCE OR PRIOR WRITTEN APPROVAL BY THE ACC IS REQUIRED BEFORE AN IMPROVEMENT TO PROPERTY IS COMMENCED. THIS SECTION OF THE GUIDELINES EXPLAINS HOW SUCH APPROVAL CAN BE OBTAINED.

All plans submitted to the ACC will be evaluated by the Developer, a registered Architect, a registered Landscape Architect, and/or the ACC and approval will be based upon conformance with the submittal requirements, architectural standards, and the construction regulations described herein. The intent of the review process is to ensure that each home has individual design quality and integrity while remaining compatible with the overall neighborhood.

- 3.2 Drawings or Plans.** The ACC requires all submittals to be fully completed, including but not limited to, listing the address and legal description of the property and the name, address, email address, and the phone number of the property owner, and architect and/or designer. Submittal must be made prior to commencement of work on any Improvement to the Property. The submittal must include descriptions, surveys, site plans, drainage plans, elevation drawings, construction plans, specifications and samples of materials and colors showing the nature, kind, shape, height, width, color, materials and location of the proposed improvement. In all cases, the materials to be submitted will have to be professionally prepared by an architect, landscape architect or qualified designer. In the case of major improvements, such as room additions, structural changes or accessory building construction, detailed plans and specifications, prepared by a licensed professional, shall be required. The following guidelines shall be utilized in preparing drawings or plans:

- A) All site plans shall be done to scale of 1" = 10' and shall depict the property lines of your lot and the outside boundary lines of the home as located on the lot and the proposed grading and finished floor elevations. If you have a copy of an improvement survey of your lot, this survey would be an excellent base from which to draw.
- B) Existing and/or proposed improvements, in addition to your home, shall be shown on the drawing or plan and identified or labeled. Such existing improvements include driveways, walks, decks, trees, bushes, etc.
- C) The proposed improvements shall be shown on the plan and labeled. Either on the plan or an attachment, there shall be a brief description of the proposed improvement, including the materials to be used and the colors. (Example: Redwood deck, 10'x12' with 2"x6" decking. Natural stain.)
- D) The architectural construction drawings shall be done at a scale of ¼" = 1', and shall show exterior elevations, floor plans, and additional information as shown on the design control information sheet.
- E) All masonry and/or stucco materials, paint and roof materials of the home submitted to the ACC for approval must be submitted as a 4"x4" layout.

3.3 Architectural Design Review Requirements:

- A) Submission of Drawings and Plans. Please complete the "Design Control Submittal" form by checking off the items that are specific to the request, and making sure that these items are addressed on the drawings or plans. Samples of exterior color selections must be submitted for ACC approval. A digital PDF copy of the drawing or plans must be submitted to the ACC. The items shown on the "Design Control Submittal" form must be submitted and ACC approval received prior to any construction activity.

3.4 Submittal Requirements: Before construction begins each Owner must submit the following items for review by the ACC and all submittals are to be clearly marked with the Owner's name and phone number, mailing address, email address, home site number, and address:

- A) Site Plan which includes the following
 - Building locations (dimensioned from all property lines)
 - Setbacks and easements
 - All driveways, decks, pads, sidewalks, etc. locations
 - Grading and drainage plans, including flow arrows and grades on adjacent properties.
 - Top of Wall elevations for house, garage, and all step-downs

- Finished floor elevations.
- Elevations of all corners of the lot

B) Construction Drawings indicating

- Exterior elevations, all sides, showing dimensioned trim, railing, and door details.
- Exterior materials with front façade percentages calculated and shown.
- Exterior details including chimneys, exterior stairs, decks, railings, and columns, and location of required standard address block on front elevation.
- Roof pitches
- Building height measured from where driveway meets top of curb.

C) Colors and Exterior Finishes

- Actual color samples of exterior finishes, roofing materials and paint colors on 4' x 4' board (Use Color Submittal Form)
- Please note that a separate 4' x 4' layout for each masonry and stucco selection and siding selection will be necessary for review and approval by the committee.

D) Landscape and Fencing Plans

- Site plan showing existing and proposed grading with special attention to drainage consideration, location and type of trees and shrubs, screening, grass, rock, berms, fountains or ponds, terracing, retaining walls, decorative features, lighting, etc.

E) Additional Improvements

- Any other anticipated items such as dog runs, storage areas, etc. Additional construction to a home or landscaping after completion of an approved site must be submitted to ACC for approval prior to initiating such changes or additions.

F) Review Fees (As indicated on the Design Review Submittal Form)

3.5 Building Code: All residential structures must conform to the applicable building codes of the Town of Berthoud. Approval by the ACC of plans submitted to them does not imply compliance with any building code or ordinance. The Builder and owner shall be required to obtain a building permit from the Town of Berthoud and obtain the necessary inspections for a Certificate of Occupancy.

IV. Landscape Design Review and Requirement Process:

HOMEOWNERS PLEASE BE ADVISED THAT TO APPROPRIATELY LANDSCAPE YOUR LOT AT HERON LAKES COMMUNITY IT IS RECOMMENDED THAT YOU BUDGET FIVE TO TEN PERCENT (5-10%) OF THE TOTAL COST OF YOUR HOME TO BE ALLOCATED FOR LANDSCAPE.

4.1 Improvements.

Landscape improvements become the final critical element in the overall streetscape, architectural integrity, and aesthetics of Heron Lakes Community. The properly conceived and well-designed landscape program may ultimately be the single most important value enhancing element for the overall community. Consequently, careful attention has been given to these landscape standards to ensure that the landscaping for each individual home is a positive addition and will be compatible and harmonious to the overall community.

All landscape construction that is to be undertaken in the community, whether original landscape plantings, subsequent landscape improvements, or any drainage improvement is subject to review under the following design standards and requirements. After completing this process and receiving written approval construction may begin.

ACC approval is required for all landscaping. Each builder/owner shall complete a professionally designed landscape plan, complete with a timetable for start and completion, and this plan shall be submitted for written approval by the ACC* within thirty (30) days of occupancy of the home. The landscaping plan shall include a drawing, to a scale of 1" = 10', showing all grading, swales and keeping in mind location of underground utilities to the home, including adjacent lot landscape and drainage, location of various trees, shrubs, flower beds, walkways, berms, play areas, water features, etc., with types of plants intended for use clearly marked.

All landscaping shall conform to the established development drainage patterns.

Kentucky Blue Grass and/or Buffalo grass will not be approved as lawn grass. The recommended turf grass is Turf Type Tall Fescue. The ACC is empowered to remove or have removed any shrubs, plants, trees, gardens, swimming pools, playground areas, gazebos, water features, and the like, not having received the approval of the ACC.

- * Submittals must include a professionally designed landscape architectural plan complete with a professionally designed irrigation system.

All owners, contractors, designers, and any other designated representative shall comply with the following process, in order to gain approval from the Architectural Control Committee for any landscape construction. All landscape improvements must be completed within ninety (90) days of occupancy or by special approval from the ACC. In

the case of occupancy in the winter months, from October 1st to March 1st all landscaping must be completed by June 15th.

4.2 Landscape Plan Presentation.

The landscape plan must contain the following information:

- a. Lot, Block, Filing number, address and Owner's name, address, phone number and email address.
- b. Designer's name, address, phone number and email address.
- c. Scale of 1" = 10' and North arrow.
- d. All existing conditions including house, underground utilities, walks, driveways, patios, decks, walls, drainage ways, neighboring landscape plantings along the property lines, natural features, easements, property lines, and other legal restrictions that may exist.

All proposed improvements designed in accordance with the Landscape Design Standards including drainage ways, proposed grading contours including ten (10) feet outside of lot property boundaries with a minimum contour interval of 1 foot, trees and shrub beds with botanical and common names of all plant materials including perennial and groundcover beds, and sizes of all trees. All landscape features should also be shown on the plan with size, material, and appropriate details or cut sheets. Landscape features including walls, fences, gardens, hot tubs, pools, walks, patios, decks, gazebos, water features, boulders, structures, play equipment, basketball hoops, lighting, etc.

4.3 Plan Submittal.

The Owner shall submit the Landscape Plan to the Architectural Control Committee. The ACC will review the plan and will provide a written response no later than twenty (20) days after the review. The written response will indicate approval of the plan, approval of modifications, or denial. If the plan is denied a written response will be given explaining the reason(s) for denial. Any re-submittal shall follow the submittal procedures and address the areas of concern.

Construction must not begin prior to receiving a written approval from the Architectural Control Committee.

4.4 Landscape Intent and Concept.

With the understanding of the land and its characteristics in mind, it is the objective of this document and the ACC to establish not only a proper blend of residential structures, but an adequate and diverse pallet and number of landscape pallet. It should be clearly understood that the requirements for a certain number of

specimen trees, and an increased pallet and number of landscape materials will collectively serve as a value creating thread throughout the entire community. The landscape concept should be refined and elegant, providing a high quality, manicured appearance, which harmonizes with the surrounding neighborhood and architecture, special attention should be paid to earthforms, site drainage, plant forms and placement, hardscape materials and design, and ground plane treatments. The plan should include development of outdoor use areas and spaces through the use of landscape earthforms and plant massing. Separation and privacy can be attained through the use of landscape berms, plant groupings, screens and hedges. In addition, a minimum of forty (40) percent of the plant material must be evergreens to provide year-round color and interest.

Xeriscape is allowed within Heron Lakes, including non-irrigated artificial turf. The rest of these guidelines shall apply including the number of required plantings etc. There are good examples of xeriscape within the Heron Lakes project that can be referenced for xeriscape design techniques and planting selections.

4.5 Landscape Screening from the Golf Course.

Care should be taken in the landscape architectural design for any lot that is adjacent to the golf course to provide an enhanced landscape as seen from the golf course. The design of the golf course is intended to be of the highest quality tournament golf course with the potential of tournaments that may be on television. The quality of the experience on the golf course will be enhanced with quality, well thought out placement of canopy, ornamental, and evergreen trees as well as shrub screening.

Views to the golf course and beyond should be maintained but adequate screening of homes adjacent to the golf course is required. Additional plantings for lots adjacent to the golf course may be required and will be evaluated on a case-by-case basis by the ACC.

4.6 Landscape Grading Requirements.

- a. The Developer is responsible for the Finished Overlot Grade of the site. The Builder is responsible for constructing the approved final grade, the site's drainage and providing the certificate of drainage/topographical accuracy. The Owner/landscape contractor is responsible for maintaining the integrity of the grading which may have been adjusted to comply with berming retaining walls drainage, and the landscape requirements of these design standards.
- b. Landscape contractors are not allowed to begin work without obtaining a certificate of drainage/topographical accuracy from the builder. The grade of the site should provide adequate drainage and be in accordance with the original site plan.

- c. Coordination of landscape beds and turf areas must occur between properties in order to blend property lines and drainage patterns. These areas of existing landscaping must be shown on the landscape plan.
- d. Earth forms and landscape berms can add significantly to the overall quality and appearance of a landscape design and are strongly encouraged by the ACC. These grading forms should be smooth, gently rolling elements, which appear to blend naturally with the Final Finished grading. "Dump truck or elephant under the carpet" landscape mounds are strictly prohibited. Slopes and landscape berms should not exceed a ratio of 3 to 1 horizontal to vertical, or in other words, the base of any mound should be 6 times greater than the height with tops and bottoms less severe than the side slopes. Landscape berms shall not impede drainage. **All drainage must comply with the master drainage plan.**

4.7 Tree Planting Requirements.

- a. Two (2) specimen trees will be required in the front yard area, in addition to the Town of Berthoud required street trees that are included on the approved Subdivision Landscape Plans. The front yard area shall include the entire street frontage extending back to the distance of the two front corners of the home. These specimen trees can be either evergreen trees with a minimum of six (6) feet in height or deciduous trees with a minimum of two and one-half (2.5) inch caliper. Acceptable specimen trees are Honey locusts, Disease resistant Elms, Coffee tree, Hackberry, Lindens, Maples (except silver) and Oaks. Acceptable evergreen trees are Austrian Pine, Ponderosa Pine, Scotch Pine, Colorado Spruce, and Colorado Fir.
- b. Over the remainder of the site, there shall be a minimum of three (3) trees. Minimum sizes are: shade trees – two and one-half (2.5) inch caliper, evergreen trees – six (6) feet in height, and ornamental trees one and one-half (1.5) inch caliper. Ornamental trees can be substituted for canopy trees on a 2 to 1 basis.

A minimum of 3 evergreen trees shall be required for each lot.

It should be noted that these requirements are a minimum and that additional tree plantings are encouraged.

Additional plantings for lots adjacent to the golf course may be required and will be evaluated on a case-by-case basis by the ACC.

- c. Trees should be integrated into planting beds whenever possible. If trees stand alone in a turf area the base of the tree should be surrounded with mulch. Mulch will retain moisture and will allow easier maintenance around the tree trunk.

Street trees are required to be planted each forty (40) feet on center in the space between the curb and sidewalk. Tree plantings must avoid utilities, streetlights and street signs. Please be aware that street trees should be kept a minimum of 40 feet away from streetlights and stop signs. Ornamental trees should be kept a minimum of 15 feet away from street lights and stop signs. No trees or large shrubs should be planted within 10 feet of a water or sewer line, four feet from gas, telephone/data, and/or electric utilities. All plantings shall be kept a minimum of 3 feet from any fire hydrant.

- d. Tree species selections must match the approved subdivision landscape plans. Landscape architect/designer must reference to approved subdivision landscape plans. Town of Berthoud tree work permit is required for work in the ROW.

4.8 Planting Bed Requirements.

- a. Planting beds shall comprise a minimum of 25% of the site excluding building footprint and driveway. Lines of the planting beds should be defined by and in relation to berms, walkways, patios, other landscape elements, and planting beds on adjoining lots. In addition, most beds should serve a function, such as foundation and utility screening, buffering for privacy, enhancement of views, defining outdoor spaces, wind block, sun block, or erosion control.

If the adjoining home is landscaped or being planned, coordination of adjoining planting beds and tree locations is required to achieve a more unified and cohesive landscape expression.

Individual site landscaping should be coordinated with existing common area landscaping. Concrete edging is recommended in these areas.

Where utilities extend through the landscape and connect to the home: turf, ornamental grasses or perennial flowers should be the only landscape in proximity to these utilities (avoid shrubs and trees).

- b. The front entry and sides of the house should have significant foundation plantings that are complementary to the architecture of the house. The rear area of the house should contain the outdoor use areas and have adequate screening to protect the privacy and view of the Owner as well as the surrounding neighbors.
- c. Trash enclosures, pet enclosures, play equipment, gardens, swimming pools, tennis courts, hot tubs, and other such items shall be screened from adjoining residences and streets. Utility pedestal and transformer should have at least a 3-foot clearance. Do not plant trees or larger shrubs over home service lines.

- d. It is required that planting beds utilize shredded wood or rock mulch at least 3' in depth.
- e. Because of the park-like setting and open feeling of Heron Lakes Community, perimeter plantings should be developed with openings in the landscaping. A "wall" of vegetation, which encloses the whole lot, is unacceptable.
- f. Large expanses of mulch or bed areas in excess of 10 square feet without significant plantings are unacceptable.
- g. Small and medium shrubs, 2' to 4' should typically be planted 3' on center and be a minimum of 5-gallon size. These shrubs should be indicated on the plan as circles measuring the size of the plant at 2/3 maturity.
- h. Large shrubs 5' to 10' should typically be planted 5' on center and be either 5-gallon size or balled and burlapped. These shrubs should be indicated on the plan as circles measuring the size of the plant at 2/3 maturity.
- i. The use of perennials to add color and texture to shrub beds is highly encouraged. They should typically be one gallon in size and planted at a maximum distance of 18" on center. Perennials should be indicated on the plan as circles measuring 1' in diameter. All perennials must be identified on the plan indicating quantities. If ground covers are used, they can be specified by flat. The minimum requirements are one flat of 32 plants per approximately 10 square feet of bed area.
- j. The following plants are prohibited: Siberian Elm, Russian Olives, Pfizers, Cottonwoods and Poplars. Columnar evergreens should be used sparingly and only for specific screening purposes. Staghorn or Smooth Sumac shall not be planted within 10' of a property line.

A natural blend of landscaping into open space areas is encouraged and additional tree plantings in open space areas shall be permitted with ACC approval. Landscaping should blend naturally into the open space areas.

4.9 Landscape Features.

Details for the following features must be submitted with the landscape plan and approved by the ACC prior to installation. See index for specific requirements:

Fences	Pools, hot tubs
Walls	Play Equipment
Structures	Lighting
Gardens	Bird Baths
Large Rocks	Bird Houses

Dog Runs
Ponds

Arbors/Trellis
Waterfalls/Water Features

4.10 Irrigation.

An automatic irrigation system is required for all residences. The irrigation system should be professionally designed for non-potable water and include inline filters. Irrigation systems should be designed to adequately water the yard within the timelines of the non-potable watering schedules. Automatic irrigation systems should be installed where turf area zones are separate from planting bed zones.

4.11 Maintenance.

All landscape shall be maintained in a neat and attractive condition. Minimum maintenance requirements include adequate watering, mowing, edging, pruning, removal and replacement of dead or dying plant material, elimination of weeds and undesirable grasses and removal of trash. Wood and rock mulch shall be kept in a neat and attractive condition, and mulch replenished/replaced as necessary.

All plant materials should conform to the American BHMD's of Nurserymen and the State of Colorado standards and should be installed and maintained per industry standards.

4.12 Landscape Installation.

- a. Unless otherwise approved by the ACC, at its sole discretion, any lot on which a dwelling is completed between March 1 and October 1 of any year shall complete the installation of the approved landscape plan within ninety (90) days after completion of the dwelling unless otherwise extended at the sole discretion of the ACC. All dwellings completed in other months shall complete all approved landscaping by the next June 15th. Owners of lots other than the Developer shall cut and control all weeds and vegetation growing on all lots, whether vacant, occupied, or those with improvements under construction, as well as control erosion and runoff of dirt and silt from the lot.
- b. Material staging and holding areas must only occur on the site where installation occurs. Under special circumstances an adjacent vacant lot may be used only with prior written permission from the lot owner.
- c. After installation, all materials must be cleaned up from the site, street and surrounding area. If any material is left on site, it will be disposed of and charged to the property Owner.
- d. Landscaping must conform to the plan and meet the requirements of these guidelines. All stipulations and changes made during the approval process must be followed.

- e. The ACC reserves the right to inspect the site during and/or after installation to ensure that it conforms to the required design standards and approved plan. In the event the installed landscape does not meet the required design standards and/or does not follow the approved plan, the ACC reserves the right to require the contractor or Owner to correct any problems at the contractor's or Owner's expense. The contractor/owner shall immediately correct any installation which is not in conformance.

4.13 Landscape Design Suggestions.

- a. Use plant materials that produce different effects at various times of the year so that the landscape will have interest during each season. It is required that forty (40) percent of the plant material be evergreen.
- b. In large shrub beds, plant groups of shrubs and perennials in like groupings. A minimum of 3 of the same shrubs and 5 of the same perennials should be planted together.
- c. Design beds so that small areas of turf, less than 3 feet in width, are not created.
- d. Design in elevation as well as plan view. Use the architectural elevations in conjunction with proposed landscape to determine what plant massing, height, and density would work best to enhance and complement the architecture.
- e. For lots adjacent to the golf course, consider views to and from the golf course. Blank walls, expanses of roof, uninteresting portions of architecture etc. should be screened. View home from the golf course to determine what plant massing, height, and density would work best to enhance and complement the architecture.
- f. Whenever possible, locate trees in planting beds.
- g. Group plants with similar water requirements so that the irrigation system can be adjusted to specific zones.
- h. Design with perennials and annuals to add additional color and texture to the landscape. Use low to medium height perennials along walkways and patios. Use medium and large perennials in masses at perimeter plantings.
- i. Plant large spruce and pine trees at least 10 feet from the house.

V. Design Review Fees, Construction, Construction Maintenance.

- 5.1 Design Review Fees.** Although preliminary submittals are not required, they are encouraged. The ACC will review any Builder's or Owner's plans, sketches, or conceptual drawings at any stage before formal submittal. This process is intended to help Owners avoid the expense and frustration of a possible ACC disapproval of a formal submittal. The review fee (per the Design Control Submittal Form that is part of these Design Guidelines) is due with this conceptual submittal.

Each formal submittal to design approval may be referred to a licensed Architect for review. A Design Review Fee (per the Design Control Submittal Form that is part of these Design Guidelines) for the initial ACC design review must be submitted with the site plan and construction drawings (or with conceptual drawings if a preliminary review is desired). This fee will allow for one review by the ACC/Architect with redline responses, and one re-submittal and response. Additional re-submittals will require an additional review fee (per the Design Control Submittal Form that is part of these Design Guidelines). The ACC will provide a written response within twenty (20) working days after each submittal. Final approval of plans is valid for twelve (12) months. Construction must commence within this period or, if not, plans must be re-submitted and reviewed again, as if they had not been submitted or reviewed before. This re-submittal shall be accompanied by the above-mentioned design review fee. NOTE: the ACC may adjust the fee schedule for submittals and review at any time.

- 5.2 Construction.** All lots adjacent to an existing home must be fenced with temporary
- 5.3 Construction Maintenance.** All Owners and Builders are responsible for maintaining their lots by controlling weeds, erosion, and trash. Each lot is required to have its own temporary power, and portable toilet, unless multiple Owners have agreed to share these facilities. All owners and builders must use District's designated trash/recycling hauler (GSI – contact District for additional information). Each lot is required to maintain its own trash container, and all trash containers must have a lid to control wind-blown trash and debris. All trash containers must be emptied on an on-going basis before full. Trash containers must be located on the lot under construction, unless otherwise approved by the ACC in writing. It is the responsibility of the lot owner and/or home building contractor to maintain their lot in an efficient manner including but not limited to keeping their lot mown, and free of trash including all construction debris. Construction materials must be stored in neat and compact staging areas. If construction material staging and/or trash container are to be on an adjacent lot, the adjacent lot owner's approval is required and must be submitted to the District along with ACC application.

- 5.4 Construction Maintenance Deposit.** All Owners and Builders must establish a Construction Maintenance Deposit with the Berthoud Heritage Metropolitan

District. See the Design Control Submittal form for the amount. All sites must be maintained per the standards established in the Covenants and Design Guidelines. Violations will be enforced diligently by the Berthoud Heritage Metropolitan District. Overflowing trash containers or improperly maintained sites will result in a fine. Refunds of this deposit will occur with the submittal of the Refund of Construction Maintenance Deposit Form and once the completed home and landscape are inspected and accepted as being compliant with the submitted/approved plans.

V. Schedule of Fines:

Violation	Amount of Fine				Assess
	1st	2nd	3rd	Thereafter	
Architectural Committee Review and Approval Required	Warning	\$25	\$50	\$50	Bi-weekly
Architectural Review, Improvement not Conforming to Request/Approval	Warning	\$25	\$100	\$200	Bi-weekly
Residential Use: Professional or Home Occupation	Warning	\$25	\$100	\$200	Bi-weekly
Declaration of Covenants, Other Not Listed	Warning	\$25	\$50	\$50	Bi-weekly
Drainage & Irrigation	Warning	\$25	\$100	\$200	Bi-weekly
Household Pets	Warning	\$25	\$50	\$50	Bi-weekly
Leases	Warning	\$25	\$50	\$50	Bi-weekly
Vehicle Parking, Storage and Repairs	Warning	\$25	\$50	\$50	Bi-weekly
Light, Sound and Orders	Warning	\$25	\$50	\$50	Bi-weekly
Nuisances	Warning	\$25	\$50	\$50	Bi-weekly
Hazardous Activities	Warning	\$25	\$50	\$50	Bi-weekly
Completion of Landscape	Warning	\$25	\$50	\$50	Bi-weekly
Lot Maintenance	Warning	\$250	\$500	\$500	Bi-weekly
Miscellaneous Requirement & Improvements including signage	Warning	\$25	\$50	\$50	Bi-weekly
Temporary Structures	Warning	\$25	\$50	\$50	Bi-weekly
Trash and Materials	Warning	\$25	\$50	\$50	Bi-weekly

Definitions.

Boat: A boat is a structure designed for navigation on the water and propelled by oars, paddles, sails, or active power, and includes any object commonly understood to be a boat.

Camper Coach: An item of mounted equipment which, when temporarily or permanently mounted on a motor vehicle, adapts such vehicle for use as temporary living or sleeping accommodations.

Committee: The Architectural Control Committee established pursuant to the Declaration.

Common Areas: Outlots that have been or will be dedicated to the BHMD's or District for the purpose of greenbelts, streetscapes, clubhouse, pool, lake access, or other amenities, etc.

Concealment: Requires that 80% of the area or object be hidden from the view of the adjacent properties.

Declaration: Declaration of Covenants, Conditions and Restrictions governing the Heron Lakes Community as recorded by the Developer.

Developer: Heron Lakes Investment, LLC; Waterfront Development Inc., Fairgrounds Business Park, LLC; and affiliates.

Dog Kennel: A structure where animals are individualized for purposes of boarding, breeding or training or any type of commercial venture.

Dog Run: A contained space that is intended to allow one or more animal's free movement in the out of doors.

Improvements: Any changes, alterations, additions to a home site or structure from its condition at the time of purchase.

Legally Inoperable: A vehicle's licensing status – e.g., expired plates.

Lot: A platted lot building site within Heron Lakes Community.

Owner: The Owner of record of a lot, whether one or more persons or entities, hereinafter referred to as Owners, but including all owners, builders, consultants, or any other authorized agents of the Owner.

Mechanically Inoperable. A vehicle's physical status – e.g., car is not road-ready (motor dysfunctional, drive train out, flat tires, etc.)

Metropolitan District (District). The Berthoud Heritage Metropolitan Districts are governmental entities and political subdivisions of the State of Colorado, designed to serve as perpetual quasi-municipal corporations each operating with an elected five-person Board of Directors. The primary purpose of the Districts is to finance infrastructure required by the Heron Lakes Community development and to provide an on-going institutional structure for the operation and maintenance of district improvements and facilities.

Mobile Home. A mobile home is any type of trailer or vehicle body, regardless of any appurtenances, additions, or other modifications thereto, without independent active power, manufactured upon an integral chassis or under carriage and designed either for travel over the highways or for housing accommodations or both.

Protective Covenants (Covenants). The Declaration and any Supplementary Declarations affecting Heron Lakes Community as recorded by the Developer.

Recreation Vehicle. A recreational vehicle is a vehicle type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own active power or is mounted on a drawn by another vehicle.

Screened. Requires that 50% of the area or object are hidden from the view of adjacent properties.

Sheen. Sheen is the degree of luster of a dried paint film. ACC will approve paint with an angular sheen of 0.25 degrees for base and trim colors.

Standards. Those design standards, review procedures and construction regulations adopted and enforced by the ACC as set forth in this document and as amended from time to time by the ACC.

Supplemental Declaration. Any Supplemental Declaration of Covenants, Conditions and Restrictions affecting a particular Heron Lakes Community Filing as recorded by the Developer.

Trailer/Trailer House. A trailer is any vehicle coupled to or drawn by another vehicle. A trailer house is a trailer designed to serve wherever parked as a dwelling or a place of business.

Travel Trailer. A vehicular portable unit, mounted on wheels, primary designed and constructed to provide temporary living quarters for recreational, camping or travel use.

Truck Camper. A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use. This does not include pickup trucks $\frac{3}{4}$ ton or less in size with a topper or shell that does not exceed the height of the cab.

Appendix.

Heron Lakes

Berthoud -Heritage Metro Districts ARCHITECTURAL DESIGN APPLICATION

NAME OF OWNER(S): _____

ADDRESS OF RESIDENCE: _____ Lot: _____ Block: _____ Filing: _____

Cell or work Number: _____ E-MAIL: _____

Please indicate the type of improvement: (Mark with X) _____ NEW BUILD _____ NEW LANDSCAPING _____ UPGRADE LANDSCAPING
_____ Driveway/Walk Addition _____ Deck/Patio Slab _____ Fencing _____ Patio Cover _____ Shed _____ Painting _____ Roofing.

Other/Changes (please explain): _____

Describe improvements: Send in Sketches, plat, drawings, plans, paint swatches, pictures, brochures, etc. with completed ADA.

Mail in ADA, or scan/e-mail to the office or put in drop box outside labeled BHMD. To: BHMD * 2375 TPC Parkway * Berthoud * CO * 80513

District E-mail: manager@bhmds.com and/or Phone: 970-488-2828

DESCRIPTION OF PROPOSED WORK BELOW OR WRITE ON ANOTHER PAPER TO INCLUDE IN SUBMITTAL

Applicant agrees and understands that submittal of this application does not fulfill all the conditions and requirements for an approval. In addition to this completed "ADA" the applicant must submit one set of plans/plat/drawings/sketches/photos with specifications of any improvements or construction showing location, height, width, length, colors, copy of brochure, materials or "information" cut sheets" from the manufacturer. It is especially important to include the location of any improvements in relation to the property lines, driveway, and the home. Landscape lighting with Dark Sky" principles is required on all homes. The applicant agrees to build the required fence to BHMD specifications and use approved BHMD approved fence stain on any wood fence work. Landscape Design Standards or Guidelines should be followed. Town of Berthoud Street tree work permit is required on trees in ROW.

Applicant agrees to maintain proper drainage swales on the lot when making any lot/landscape improvements, while keeping in mind the side lot & back lot drainage easements and setbacks, and all utility easements in the lot. Drainage should remain the same or have qualified person sign off on a new drainage plan. Proper drainage is required to handle storm events and irrigation drainage of your lot. Planting trees or shrubs should stay clear of drainage easements. Keep proper drainage flows under all fences, a 2-to-4-inch space between the fence and ground, do not pile landscape material onto District fence.

Landscape projects; Submit landscape plans/drawings showing the species or common name, size, shape, height, color, and materials of the proposed landscaping. It is especially important to include the location of any landscape in relation to the lot line and the home. Keeping in mind, trees should be at least 5 feet from the property lines and shrubs at least 3 feet from property lines.

The Architectural Design person may require additional information as it deems necessary to decide. Until all the questions are answered, and any requested information is submitted, the application will be deemed incomplete, and the application will stand unapproved. It is further agreed that, in the event the application is approved, all maintenance, repair, or replacement of the approved item will be the sole responsibility of the Owner. All work shall be initiated with consideration of the grounds, aesthetics, timing, and noise factors. The applicant understands that all necessary permits and approvals from any municipalities or other jurisdictions are the sole responsibility of the applicant for any improvements. Landscape lighting with Dark Sky" principals is required.

This approval does not apply to any changes of the drainage on your lot or neighboring lots. Removal of BHMD/Golf Course fencing or driving on BHMD/Golf Course landscaping is not allowed for access to yard. No contractor advertising signs allowed. The homeowner will be held responsible for any damage to BHMD/Golf course property. ADA will not be reviewed if lot has past due taxes or O & M account. The signed off ADA should be retained your records and for proof of the submittal and approval of the ADA/plans. No items are returned from the review, except the signed ADA and documents that can be scanned. Approved work must be completed within 90 days of approval. Upon completion of improvements, the applicant hereby authorizes a BHMD representative to enter the exterior of the property for inspections. Fees are made payable to BHMD and mailed to the BHMD address.

A \$800.00 review fee is required for ACC on new construction.

A \$250.00 review fee is required for initial landscape plans or any major improvements. A fee of \$150.00 review fee is required on any second landscape reviews.

DEPOSIT CHECK #: _____ DEPOSIT AMOUNT: _____ REVIEW FEE: _____ REVIEW CHECK #: _____ Canceled check is your receipt.

Deposit will not be released until the house and all landscaping are completed to the approved plans.

THE UNDERSIGNED UNDERSTANDS AND AGREES TO THE ABOVE CONDITIONS:

_____/_____/_____
Owner's Signature: _____ Date: _____ Print Name: _____

For Committee Use:

Approval: _____ * Following Guidelines. Denied: _____ Approved upon Completion of Contingencies: _____

Date: _____/_____/_____ Signed: _____

BHMD HERON LAKES Design Control Submittal

Date of Submittal: ____ / ____ /202__ Lot Address: _____ Lot: ____ Block: ____ Filing: ____

Please Check Off what is included and attach completed form with your plans, with appropriate deposit or fee.
All fees shall be made out to Berthoud Heritage Metropolitan District or "BHMD" Mail Checks to 2375 TPC Parkway * Berthoud * CO * 80513
Email all Application and Plan Submittals to: Manager@bhmds.com

Applicant's Name _____ Email address: _____
 Mailing Address: _____ Phone: _____
 Architect/Designer Name _____ Email address: _____
 Builder Name: _____ Phone: _____
 Signature: _____

YOU MUST HAVE EROSION CONTROL PLANS AND IMPLEMENTATION FOR YOUR LOT. ALSO, ALWAYS HAVE YOUR TRASH CONTAINER COVERED (DAILY).

- _____ **Construction Deposit:** **\$2,500 per Lot** (Refund % to _____ Builder or _____ Lot owner)
If the Builder/Lot Owner are different entities, the fee shall be split: 50/50
Construction Deposit shall be returned once BHMD final inspection of home, landscape & ROW is complete.
- _____ **Initial Design Review:** **\$800** Initial Design Review Fee
Includes 2 (Two) reviews of initial site plan, plat, house plans, exterior finishes, and landscaping. Additional reviews will require an additional fee – See Exterior Modification/Additional Review Fees below.
Most homes will be able to be reviewed, modified as needed, and approved through the Initial Design Review process. Homes that do not meet our requirements and need modification may require a second full Design Review. If a second full Design Review is required a **\$1,500 deposit will be required**. The ARC may hire an Architect to assist in a second Design Review. The Architect will bill hourly against the Design Review deposit. If additional time/fee is required that will be communicated, and additional deposit will be required prior to additional review taking place.
- _____ **Exterior Modification/Additional Review:** **\$500 Exterior Modification/Additional Review Fee**
Will apply to any modification to the exterior of a home, revisions to site and/or landscape, or fencing plan. Will also apply to design reviews beyond the 2 (Two) included with the Initial Design Review.
- _____ **Site Plan:** (Email PDF's to addresses above)
Building Location (dimensioned from all property lines)
Setbacks and easements shown.
Driveway, decks, pads, sidewalk locations shown.
Grading and Drainage plan, including flow arrows.
Top of foundation elevations for house and garage and all step-downs
Elevations of all lot corners shown
- _____ **Construction Drawings:** (Email PDF's to addresses above)
Exterior elevations showing dimensioned trim, railing, and door details.
Indications of exterior materials with percentages calculated and shown.
Exterior details including chimneys, stairs, decks, railings, columns, and location of standard address block.
Roof pitches shown.
Square footage, excluding basement is: _____
Building height as measured from where driveway meets top of curb.
[Contact local Phone or CATV company to confirm requirements for interior wiring and 1" PVC to home.](#)
- _____ **Colors and Exterior Finishes:** Representative Photos of exterior finishes/ colors on 8-1/2" x 11" format. (Use color submittal form, scan/email)
Sample of roof material
- _____ **Landscape & Fencing Plans:** (Email PDF's) **\$250 Initial Review Fee; \$200 Modification/Subsequent Review**
Site/Landscape Plan showing the location and type of trees & shrubs; fencing; berms; fountains; or ponds; terracing; retaining walls; decorative features; lighting with **Dark Sky" principals**, etc.
Town of Berthoud Street tree work permit is required on trees in ROW.

DEPOSIT CHECK #: _____ DEPOSIT AMOUNT: _____ REVIEW FEE: _____ REVIEW CHECK #: _____ Canceled check is your receipt.

Deposit will not be released until the house and all landscaping are completed to the approved plans.
THE UNDERSIGNED UNDERSTANDS AND AGREES TO THE ABOVE CONDITIONS:

_____/_____/_____
 Owner's Signature: _____ Date: _____ Print Name: _____

For Committee Use:
 Approval: _____ * Following Guidelines. Denied: _____ Approved upon Completion of Contingencies: _____
 Date: ____/____/_____
 Signed: _____

BHMD HERON LAKES Exterior Colors & Masonry Selections

Date of Submittal: ___/___/202___ Lot Address: _____ Lot: ___ Block: ___ Filing : ___

Please Check Off what is included and attach completed form with your plans, with appropriate deposit or fee.
All fees shall be made out to Berthoud Heritage Metropolitan District or "BHMD"
Mail Checks to 2375 TPC Parkway * Berthoud * CO * 80513
Email all Application and Plan Submittals to: Manager@bhmds.com

The following exterior paint colors and masonry selections are hereby submitted for approval by the Architectural Control Committee of the Berthoud Heritage Metropolitan District and the Heron Lakes Community.
I agree to resubmit any changes to these selections for approval prior to application to the house.
NOTE: Any change in colors of brick and/or stone must be approved before application to the house.

Applicant's Name _____ Email address: _____

Mailing Address: _____ Phone: _____

Builder Name: _____ Phone: _____

Signature: _____

Exterior Paint Colors:
(Name and Number)

Body: _____
Body color cannot be the same color as any home/lot next to, behind, or in front of your home.

Trim: _____

Brick, Stone, or Stucco

Color: _____

Company: _____

Roof Tile:

Color: _____

Company: _____

Roof Accent

Color/Material: _____

Company: _____

Attach body color sample here <u>OR</u> Check this box <input type="checkbox"/> if sample is attached separately.
Attach trim color sample here <u>OR</u> Check this box <input type="checkbox"/> if sample is attached separately.
Attach brick/stone/stucco sample here <u>OR</u> Check this box <input type="checkbox"/> if sample is attached separately.
Attach roof tile sample here <u>OR</u> Check this box <input type="checkbox"/> if sample is attached separately.
Attach roof accent sample here <u>OR</u> Check this box <input type="checkbox"/> if sample is attached separately.

DEPOSIT CHECK #: _____ DEPOSIT AMOUNT: _____ REVIEW FEE: _____ REVIEW CHECK #: _____ Canceled check is your receipt.

Deposit will not be released until the house and all landscaping are completed to the approved plans.

THE UNDERSIGNED UNDERSTANDS AND AGREES TO THE ABOVE CONDITIONS:

_____/_____/_____
 Owner's Signature: _____ Date: _____ Print Name: _____

YOU MUST HAVE EROSION CONTROL PLANS AND IMPLEMENTATION FOR YOUR LOT. ALSO, ALWAYS HAVE YOUR TRASH CONTAINER COVERED (DAILY).

For Committee Use:
 Approval: _____ * Following Guidelines. Denied: _____ Approved upon Completion of Contingencies: _____
 Date: ___/___/___ Signed: _____

5-16-2023

NON-POTABLE WATERING SCHEDULE

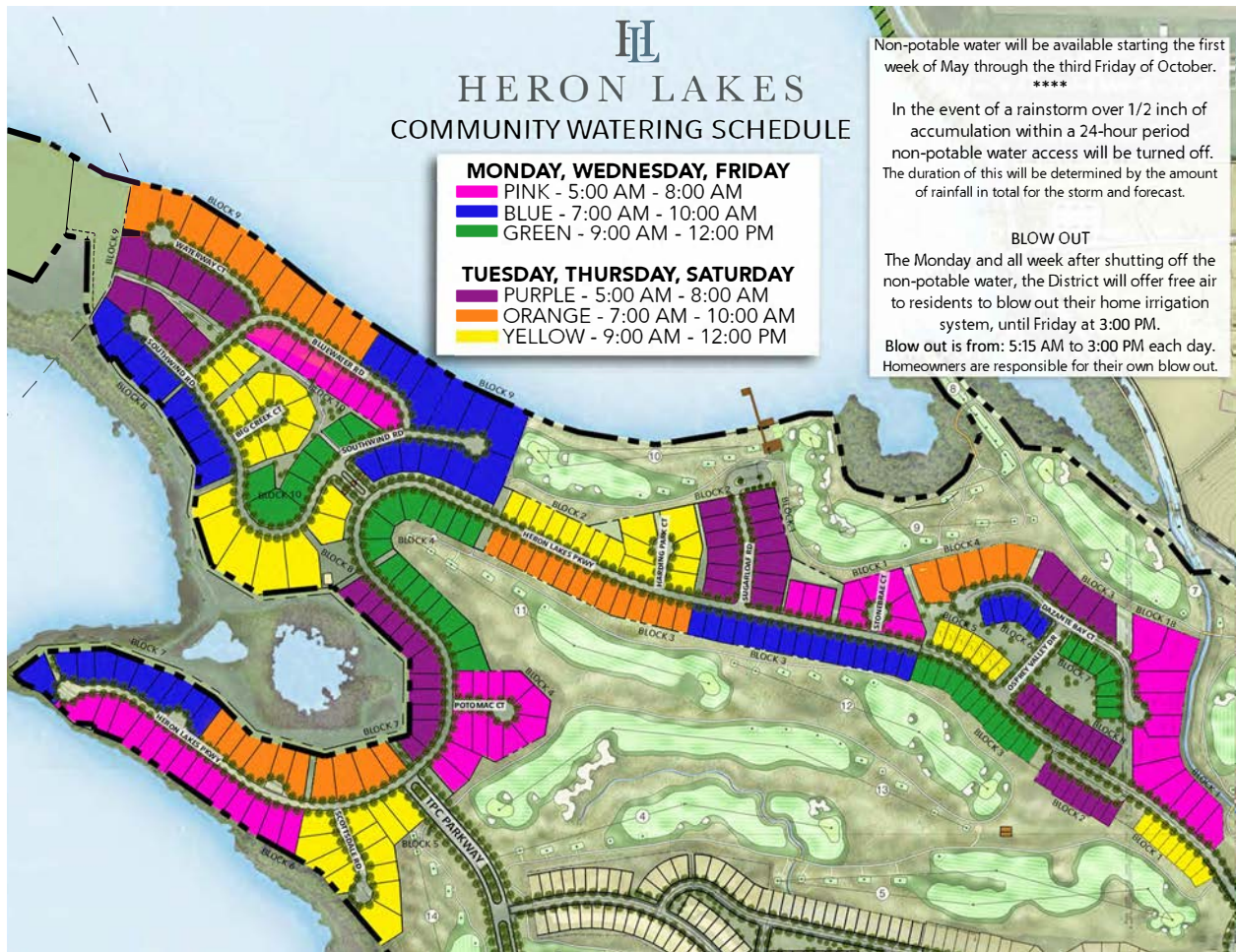


Exhibit "A" – Legal Description.

Tracts of land located in Sections 3, 4, 9, 10 and 15, Township 4 North, Range 69 West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado, more particularly described as follows:

All of Blocks 53 through 72 and Tracts AA, BB, CC, DD, EE, FF, II, JJ, KK, and PP, Heron Lakes PUD First Filing, all of Heron Lakes Second Filing, and Heron Lakes First Addition Less Tract K and Tract L.



BUILDER KEY:

- (A)** BUILDER PROGRAM (33 LOTS)
- (B)** LUXURY MAINTENANCE FREE (37 LOTS)
- (C)** THE ROOKERY GATED COMMUNITY (15 LOTS)
- (D)** HOLE 10 CUL-DE-SAC (15 LOTS)
- (E)** WATERWAY ESTATES (13 LOTS)
- (F)** HOLE 9 CUL-DE-SAC (9 LOTS)
- (G)** NORTHERN LIGHTS PATIO HOMES (29 LOTS)
- (H)** NORTHERN LIGHTS PATIO HOMES PH2 (31 LOTS)
- (I)** NORTHERN LIGHTS ESTATES (17 UNITS)
- (J)** PENINSULA (45 UNITS)
- (K)** FAIRWAY VIEW (84 UNITS)
- (L)** TOWNHOMES (76 UNITS)
- (M)** THE ROOKERY GATED COMMUNITY (P2) (36 UNITS)

● DENOTES AN EASTERN FACING PENINSULA LOT WITH ENHANCED LANDSCAPE REQUIREMENTS (SEE EXHIBIT "H")



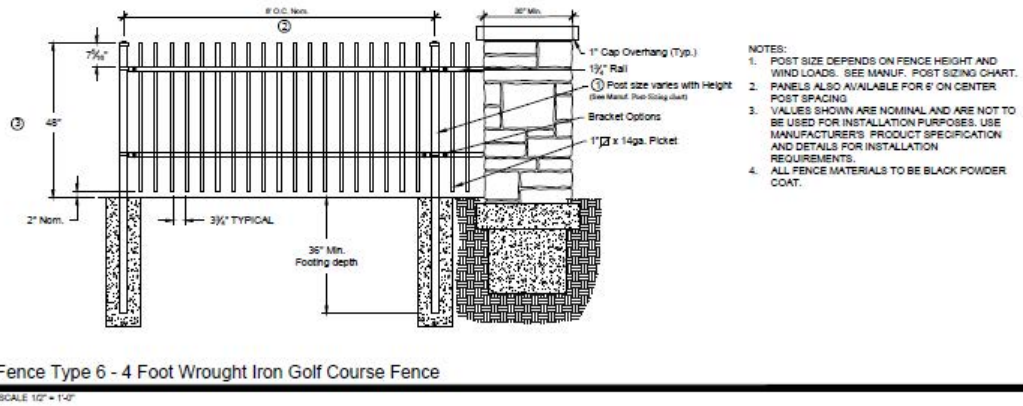
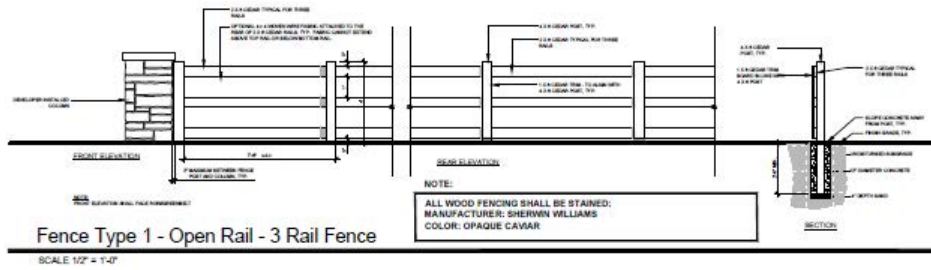


EXHIBIT C - FENCE TYPES

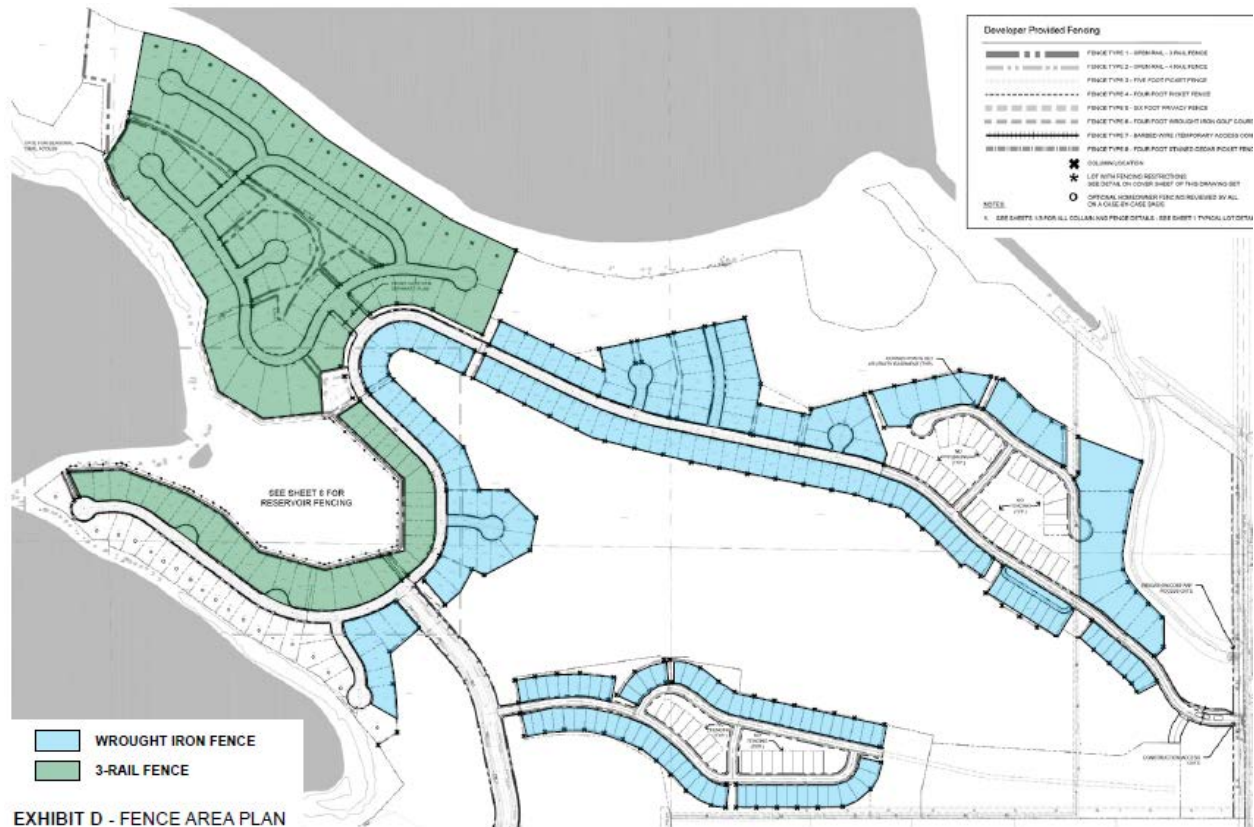


EXHIBIT D - FENCE AREA PLAN

ROOKERY LOT BACKING TO LONETREE RESERVOIR

SEE EXHIBIT D - FENCE AREA PLAN

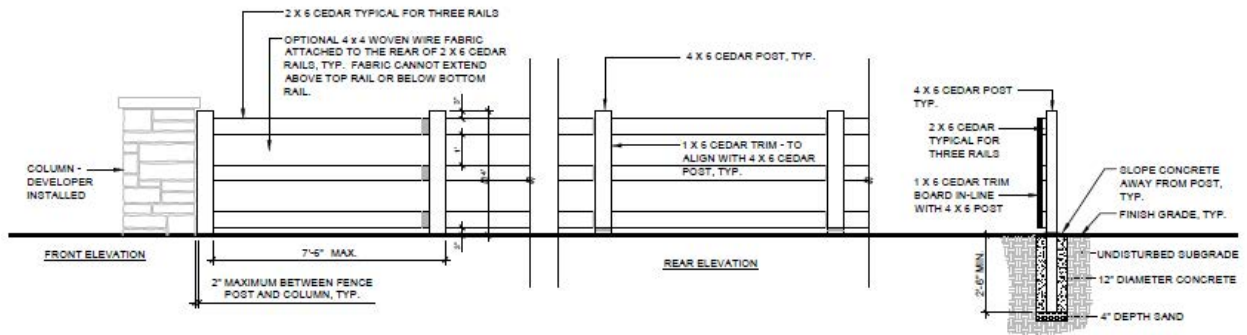
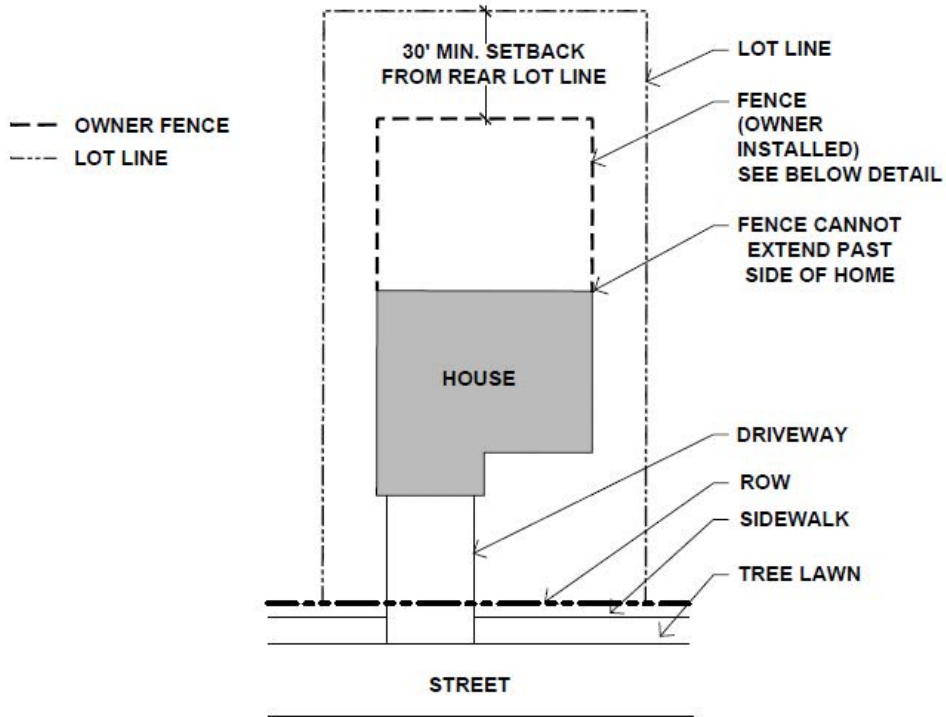
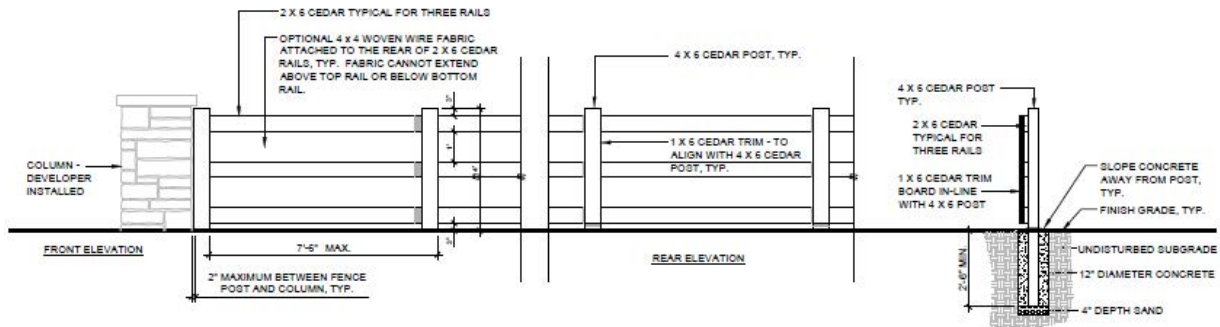
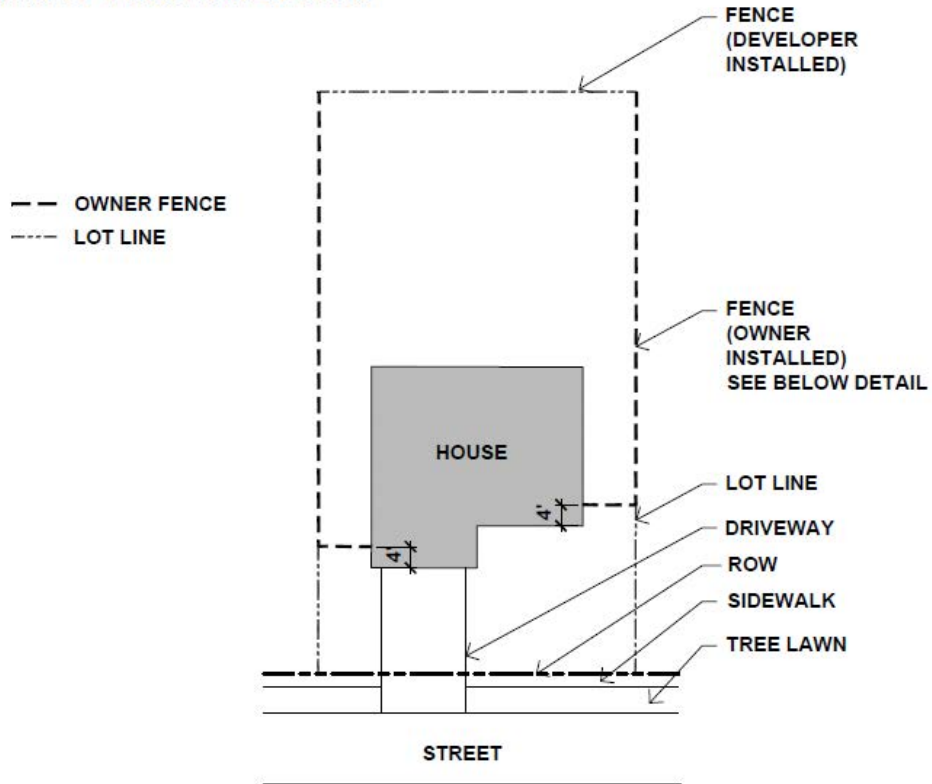


EXHIBIT E

3 RAIL FENCE LOTS

SEE EXHIBIT D - FENCE AREA PLAN



EXIHBIT F

WROUGHT IRON FENCE LOTS

SEE EXHIBIT D - FENCE AREA PLAN

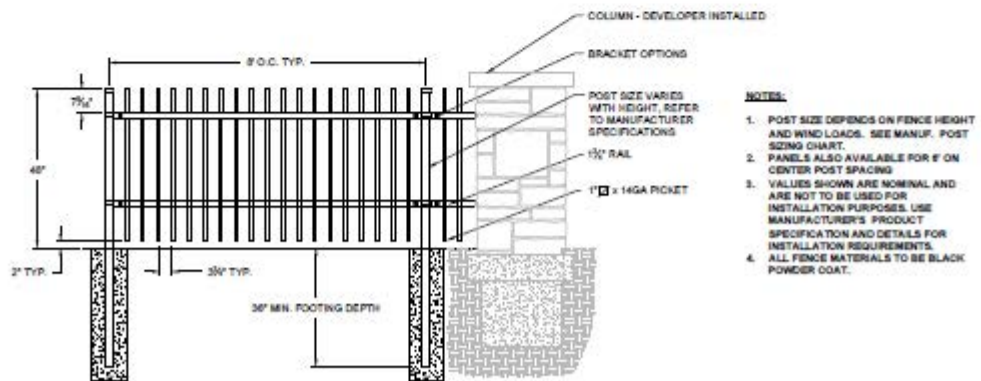
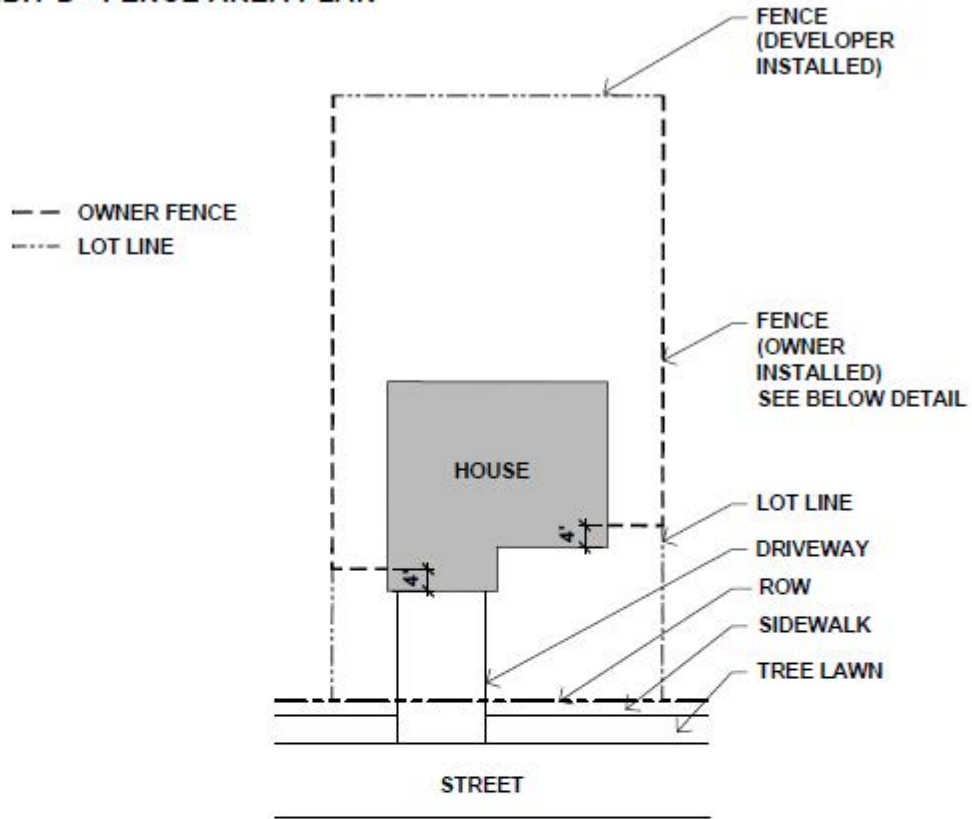
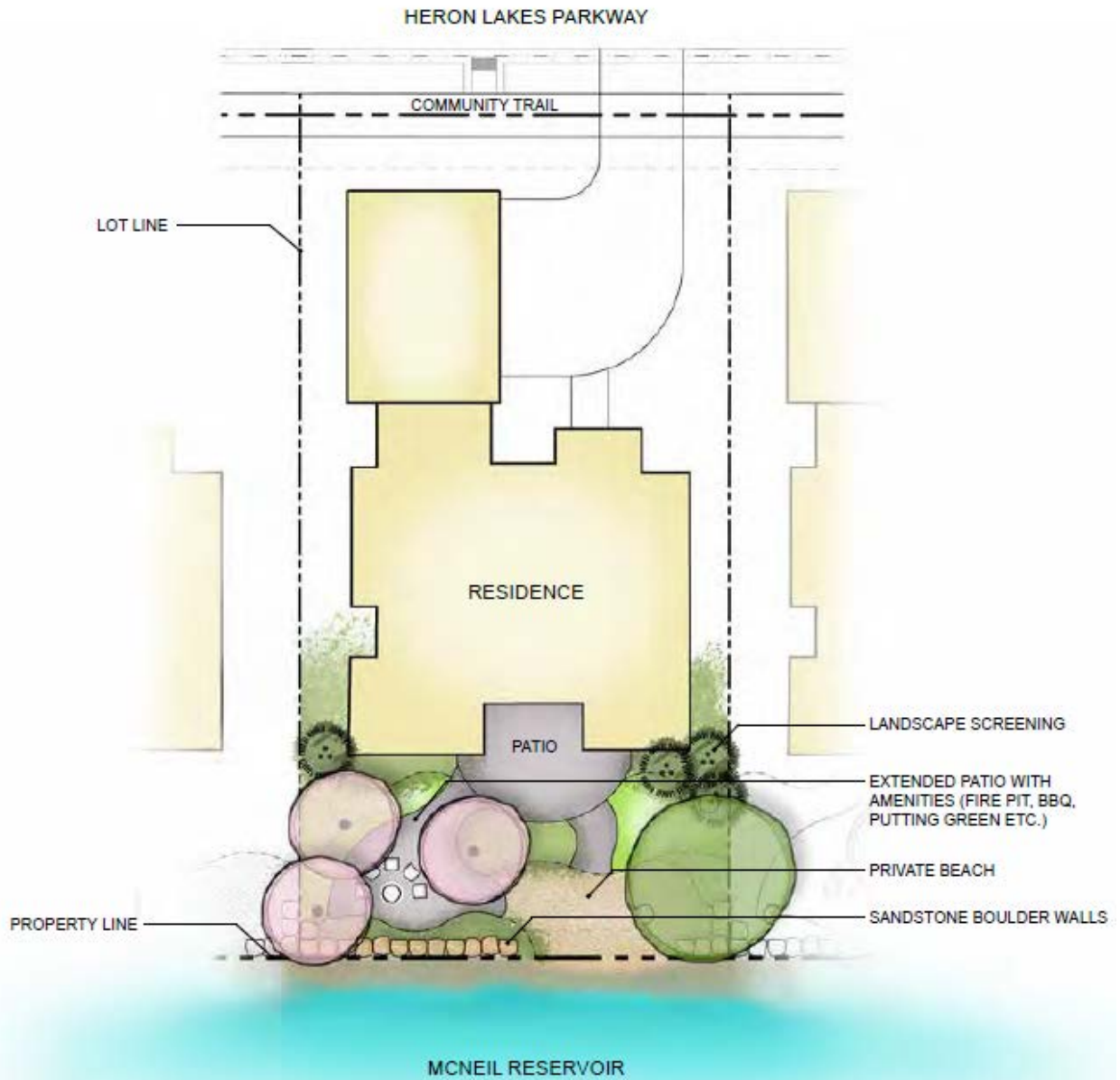


EXHIBIT G



PENINSULA LOT - TYPICAL REAR YARD FOR LOT BACKING EAST TO MCNIEL RESERVOIR