

**DESIGN GUIDELINES**  
**DEERFIELD PARK PUD**

**BASIS FOR GUIDELINES**

The architecture of western Colorado, in general, has developed over a 20 year span, serving a variety of uses. There is a sense of continuity from the homestead configuration of land, the agricultural uses and habitants and the localized technology that built it.

Pre-World War II development provides the basis for the guidelines of the Deerfield Park PUD, drawing from traditional farm development and older neighborhoods, exemplifying the general intent of the development.

This pattern is characterized by narrow streets; sidewalks between the street and the house; garages behind homes with alley access; and living areas with front porches.

Traditional western houses share many attributes - common setbacks from the street, similar lot widths, elevation raising from street level to the front porch, one or two story homes. The predominate house colors are earth tones - ranging from white to brown. Wood and stone, as well as vinyl siding, are utilized with asphalt shingles for roofs.

The objectives for the Design Guidelines are:

- a. Create a "small town" character of traditional neighborhoods.
- b. Create an architectural and site image which exemplifies the traditional character in scale, fenestration and symmetry.
- c. Respond to current use requirements and construction technology.
- d. Create a visually pleasing and safe neighborhood environment.
- e. Define and clarify construction, landscaping/fencing and parking requirements of the neighborhood.

The Design Guidelines were included, as an addition to the Covenants and Bylaws, to expand the understanding of construction and exterior structure regulations, parking and vehicle rules and other matters pertaining to the Deerfield Park PUD which were not specifically addressed in the Covenants and Bylaws. The Design Guidelines are binding upon each homeowner, just as the Declaration of Covenants and Bylaws.

The Guidelines for Deerfield Park PUD are outlined as follows:

- \* Vehicle and RV guidelines

(2)

- \* Parking and garage guidelines
- \* Fencing guidelines
- \* Landscaping and drainage guidelines
- \* House construction guidelines

#### Vehicle and RV Guidelines

Passenger vehicles - this class of vehicles includes automobiles, motorcycles and trucks (maximum 3/4 ton). Any vehicles which are used in or for homeowner's occupation (vans, trucks or cars - whether owned, leased or company-owned) are also considered passenger vehicles. These vehicles are to be parked on driveways or in garages, but cannot be parked on the streets or in alleyways. Lots having a rear yard setback (such as areas beyond the shared driveways), may utilize these areas for parking as long as they do not restrict a neighbor's parking access or encroach on property lines. All other vehicles not classified as "passenger" will be considered "recreational" for this section.

Recreational vehicles - recreational vehicles include all trailers (open or enclosed), ATVs, boats and/or trailers, motor homes/motor coaches, snowmobiles/jet skis, etc., and all other vehicles which require an operable vehicle to haul it.

1. Recreational vehicles are not allowed to be parked on streets or in the alleyways at any time. No repair work (whether passenger or recreational vehicle) may be performed in the streets or alleyways.
2. Any recreational vehicles which cannot be kept within the garage, must be stored, when on your property, behind a six-foot (6') privacy fence. This fence must be within the fence guidelines for Deerfield Park PUD and the City of Rifle. This means you may store your vehicle in the back or side yard, but only behind fencing. Fencing nor vehicles are allowed to encroach on the neighboring property nor to obstruct shared driveways.
3. Recreational vehicles may not be kept on the property as additional living quarters. Vehicles deemed to be used for this purpose, will be required to be removed from the property immediately.
4. Any recreational vehicle, trailer or vehicle attached to a passenger vehicle is classified as a recreational vehicle under these provisions, and will be subject to the parking/storage regulations, as stated above.
5. Any vehicles which cannot be stored as indicated above, must be stored outside the subdivision.

(3)

### Parking & Garage Guidelines

Each lot is to have two (2) off-street parking spaces accessible from the alley or the driveway.

The vehicles of persons residing in homes, whether residents or renters, **are not to be parked in the streets.** **Street parking is allowed for visitors and short term delivery/repair service vehicles only.** It is the responsibility of residents to advise visitors of the Deerfield Park parking regulations.

Parking space on homes having shared driveways is to be at the rear of the driveway area, beyond the garages. No vehicles are to be parked blocking driveways or garage access. Homeowners with shared driveways have signed a "shared driveway agreement" at closing, obliging each homeowner to obey these regulations.

Any structures to be installed for vehicle storage, such as canopy covers or temporary carports, must be approved by the Board.

### Fencing Guidelines

**Any fence, wall or screening device shall first be presented to the Deerfield Park Homeowners Board for approval.** The committee shall review the design, appropriateness, size, height, materials and construction of such structures in relation to the residence and neighboring sites.

All fencing shall be built in compliance with the Homeowners' Board, the Deerfield Park Covenants ( as they apply) and the City of Rifle regulations. However, the more restrictive rule with take precedent in all cases.

Height Limit: 6 feet for privacy fence

No fencing shall be permitted in the front or side yard areas which extend beyond the front corners of the house.

Fencing cannot incorporate the front porch.

Fence posts cannot interrupt drainage. If drainage is interrupted, the drainage must be re-established at the time of fence construction.

All fences must be constructed on the owner's property only.

Common fencing between homeowners may be placed on the property line. However, a written agreement between the homeowners must be in place prior to the fence construction.

(4)

Color and fencing materials must be approved by the Homeowners Board. Permitted materials include cedar or vinyl picket. Chain link and chicken wire fencing are not permitted fencing materials.

No fence, wall or screening device shall be approved or constructed which creates an isolated area difficult to maintain. Any fence or other device approved in drainage swales along lot lines shall be designed and constructed in a manner that shall not alter the grades established for drainage purposes or prevent the flow of water in the drainage swales.

If recreational vehicles, including boats and all trailers (open or enclosed) are being stored on the lot, they must be stored behind a six-foot privacy fence.

#### Landscaping, irrigation & drainage guidelines

Landscaping shall comply with the Landscaping Plan for Deerfield Park PUD. For information about this plan, homeowners should contact the Homeowners Association.

Landscaping and lawns are to be watered and maintained to be visually pleasing. All weeds, dead shrubs and trees and any landscaping maintenance debris is to be removed.

Pet waste should be disposed of on a regular basis, to avoid causing odors, insects and health problems. If pet wastes become a problem, the Homeowners Association will take the necessary actions to have this corrected include contacting the local health department.

Homeowners not maintaining their yards, as indicated above, will be subject to penalties and expenses, if the Board is required to have maintenance services performed.

Maintenance of the Deerfield Park common courtyard areas is the responsibility of the Deerfield Park HOA Board. The Board will be responsible for securing any landscaping services and /or irrigation services, as are necessary to maintain the lawns, foliage and sprinkler system. Any residents found damaging common area grasses, foliage, sprinkler systems or signs may be reported for vandalism and will be personally responsible for repair or replacement expenses.

Drainage occurs along the side lot lines, therefore, no changes in grade are permitted in these areas. Landscaping is permitted in these areas as long as the ground surface elevation is not altered.

Parking is permitted in the rear setback zone of lots (beyond garages). Ground surfaces may be stabilized with gravel or other approved materials as long as the surface elevation remains unchanged.

Local soils are considered dense clay and have difficulty absorbing water. When over-watering occurs, run-off tends to take place. This is usually evident by (1) soggy spots in grass

(5)

areas, (2) water running into the streets and sidewalks and (3) water presence in crawlspaces. Over-watering may impact your neighbors as well as your own home. Here are the recommended guidelines for watering, based upon engineering input:

Lawns should be watered in short durations with more frequent watering times

Watering periods should not exceed 5 minute periods

If signs of over-watering occur, watering frequency and/or time should be reduced.

These are only guidelines and each homeowner must determine their individual needs based upon amount of vegetation, weather conditions, soil conditions and elevation of lot.

All downspout nozzles must be kept in the down position, except during lawn mowing or maintenance.

#### House Construction Guidelines

##### House Colors

Permitted home colors are earth tones from white to tan to browns. Trim colors may be the same or contrasting colors, but always within the approved color palette. Houses, garages and fences must all be the same color palette. Homeowners should contact the Homeowners Association prior to exterior painting of houses, trim or fences if there is any question as to appropriateness of colors being considered. The Homeowners Board has the authority to make homeowners change exterior paint colors, if they are not within the permitted color palette.

##### Setbacks

Front yard setback - 15 feet

Rear yard setback - 20 feet on lots that have alley frontage; 15 feet on lots that do not have alley frontage

Side yard setback - 5 feet

Set back from Acacia Avenue - 25 feet

##### House dimensions/materials

Maximum height - 35 feet to highest ridge line

Minimum house size - 1,300 square feet

Maximum house size - 3,500 square feet (not including garage)

(6)

Front porch - mandatory - must be a minimum of one (1) foot to six (6) feet above street level, with a minimum of fifty (50) square feet.

Permitted roof types - shed, gable, hip, dormer. No flat or shallow pitch roofs permitted.

Permitted roof pitches - minimum - 6:12; maximum 12:12

Permitted roof materials - metal or asphalt shingles (black, dark green or dark red only)

All roofing materials must be flame retardant.

Permitted exterior wall materials - wood or imitation wood siding, vinyl siding - no metal, asphalt, concrete block, glass block or uninterrupted glass.

Windows and glass doors may not exceed 30% of any exterior wall surface.

2-car garages, or a one-car garage with roof extension carport are mandatory.

Any additions of utility sources, such as solar panels, must be submitted to the Board for approval prior to installation.

#### Protective Covenants and Architectural Review

No wall, fence, landscaping, building or improvement to any lot shall be commenced, nor shall a building permit be issued by the City of Rifle, until the plans and specifications therefore have been approved by the Architectural Control Committee, in accordance with the Protective Covenants of the Deerfield Park PUD, the provisions of which are incorporated herein by this reference.

## **Responsible Governance Policies**

### **Collection of Unpaid Assessments**

Annual Homeowners Dues shall be billed a minimum of thirty (30) days prior to the Due Date. The Annual Due Date shall be January 1<sup>st</sup> of each calendar year. Homeowners will be given an additional thirty (30) day Grace Period to pay entire amount of Dues without penalty.

Any Dues still outstanding beyond the Grace Period will be assessed a monthly Penalty Fee. The current fee is \$25.00 per month per home unit. This Penalty Fee will continue to be applied until all outstanding Dues are paid in full. The penalty fee may be adjusted if and when needed.

Dues and penalties which are not received by June 1<sup>st</sup> of each year will be considered in default and an assessment lien will be filed in Garfield County. The assessment lien will include any and all charges for dues, penalties, lien preparation and filing/release fees as well as any charges incurred by the Board for collection services and legal fees. Liens will not be released until all fees are paid in full.

Homeowners will be given the opportunity to meet with the Homeowners Board, if dues are in default, but prior to lien filing, to discuss payment collection. Any and all payment plans mutually agreed to by the Homeowner and Board must be adhered to in amount and deadlines in order to stay in effect. Late or insufficient payments will make the agreements null and void and legal collection procedures will continue.

Assessment liens held on properties will be referred to the Homeowners' Board attorney for further collection procedures or foreclosure, if payment of all charges are not received by September 1<sup>st</sup> of each year.

### **Board Member Conflict of Interest Resolution**

All decisions made by the Board will be made by a majority of all Board officers and directors. All Board members must be present at meetings when issues are voted on. If the Board does not have enough members to give a majority vote (an uneven number of members), the issue will remain undecided until a mutually agreed upon impartial party (non-officer director, architectural committee member, etc.) can attend a meeting to vote on the issue. In the case of appointing new Board members, when an election does not take place, all existing Board members must be in agreement to appoint the new candidate.

The Homeowners Board may contain no more than two (2) related members. In cases of homeowners unit voting, all family members residing in a home may only have one vote on general issues. On issues on which only Board members are voting, each Board member has one vote.

**Page 2**

**Meeting Conduct**

The rules for conducting Annual meetings and special meetings are outlined in the Bylaws of Deerfield Park PUD - Articles I & II. Please review these areas for detailed information.

The main purposes of the Annual Meeting is:

- \* to elect new Board members (as needed)
- \* approve the Annual Budget

Due to the lack of persons volunteering to serve on the Board, the terms of all officers has been extended to a minimum of 2 years and a maximum of 3 years. Officers leaving the Board, prior to term limit , will be replaced with appointed members until a new election at the Annual Meeting.

Proxy ballots must be delivered to homeowners at least 45 days prior to the Annual meeting, and those proxy votes, together with votes taken at the annual meeting will determine a quorum and election of officers. If there are not enough proxies or in-person votes to constitute a quorum of homeowners, existing officers will remain in their positions until a special election can be held in which this quota is met. In no case should the officers remain in positions unless done so through a majority of homeowner votes at a special meeting election.

Any persons who want to be considered as candidates for Board elections will be asked to submit a letter of their interest to the Board by January 1<sup>st</sup> of the election year. Any person wanting to be considered for election will be contacted by a Board member to acknowledge receipt of interest letter and advise of positions which are to be open for new candidates. Persons who are in violation of the rules and regulations of Deerfield Park PUD (including the presence of a Board-recorded lien) may not be considered as candidates for the Homeowners' Board until all violations are resolved.

All positions are on a volunteer basis and there is no compensation for serving as a Board member.

**Enforcement of Covenants and Rules**

The Covenants and Rules established by the Homeowners Board is to provide a visually pleasing and safe environment for all homeowners. It is the Board's responsibility to enforce all rules and covenants in a uniform manner and establish a system of penalty fees and enforcement actions to ensure compliance to these rules.

These provisions apply to all non-annual assessment fees violations.



Page 3

Initial notification

Homeowners (on or off-site) and tenants will be initially advised of violation via telephone call or personal visit. Any homeowners unable to be contacted in this manner, will receive a letter from the Homeowners Board. Most occupants will be given a maximum of seven (7) days to correct the violation. If the violation requires additional time, the Board will, at its discretion, determine and advise the homeowner of any extension.

Second notification

If the violation is not corrected after the initial notification period, a written notification will be mailed or delivered to the homeowner or off-site owner advising of the continuing violation and allowable time frame, if any, to correct the violation. After the second notice is issued, a penalty fee will be assessed to the homeowner. This penalty fee (up to a maximum fee of \$25.00 per day) will continue to be assessed until the violation is corrected. The violation fee will be payable by the homeowner within 5 days of the correction date. If the violation is not resolved within a specific number of days (as determined by the Board), or the violation fee is not paid, the violation will be subject to the final resolutions.

Final violation resolutions

Fees and assessments

Fees and assessments which have been charged by the Board due to violations will become an assessment lien on the property if not paid in the specified time. Included in the lien will be the initial and subsequent fees and/or assessments as well as any and all collection or legal costs incurred by the Board to file the lien and secure payment.

On-property violations

The Homeowners' Board has the right to enter a homeowner's property to correct violations which have not been corrected by the homeowner. The Board has the right to hire an independent contractor/company or government agency to correct the violation, with any and all costs for such serves the obligation of the homeowner. This includes, but is not limited to, removal of trash or debris, upkeep of lawn or landscaping, removal of animal waste, removal of abandoned items and hauling away of discarded items. Services (as stated above) which are necessary during the tenancy of a renter, become the obligation of the owner of record.

Any recreational vehicles (see Design Guidelines for inclusive vehicles), which are not parked behind a 6 foot privacy fence on the property, are also in violation of the Deerfield Park regulations. If vehicles cannot be accommodated, they must be removed from the property and stored at an off-site facility. These vehicles cannot be parked on common areas or encroaching upon neighbors' property.

Page 4

On-street violations

It is against the regulations of Deerfield Park PUD for residents to park their vehicles (whether personal or business) or recreational vehicles on the streets of the development.

Homeowners need to make arrangements so that all vehicles parked on their property do not block or limit access for neighbors, interfere with alleyway access or create a nuisance for other drivers. The Board may take whatever means to enforce violations, including contacting police, application of wheel lock to vehicle (such as abandoned vehicles or illegal parking on the streets by residents) and the filing of legal actions by our attorney. All fees created as a result of these actions will be immediately payable by the homeowners and any penalty fees as a result of violation of second notification will be payable to the Board.

Any and all attorney and court fees required to take any legal action as a result of final violation resolutions will be payable by the homeowner as well as any fees incurred under the second notification provision. All penalties assessed due to these violations, if not paid by homeowners, will result in a property lien on the homeowner's property, recorded through Garfield County.

Inspection and Copying of Association Records

A Binder containing all Documents required by Disclosure Rules will be maintained by the Board Treasurer and/or Secretary. The Binder will be physically kept at the home of either officer and available for review by homeowners with reasonable prior notice. The Board officer in possession of these materials will provide a copy to Homeowners only, with advance notice of at least 3 business days.

Original documents will not be given to Homeowners nor their agents for copying purposes. The officer having possession of the original document binder will provide one (1) copy of requested documents to requesting homeowner at association's expense. It will be the homeowner's expense to have additional copies supplied to them.

Any homeowner not receiving copies of Covenants, Bylaws and/or Design Guidelines at the time of title commitment or closing, should contact the above Board officer for a copy of these documents. Homeowners and tenants will be provided copies of any additional rules and regulations not contained in these documents after closing of sale or upon request. Failure of the homeowners to receive these documents does not preclude them abiding by the document contents.

It is the responsibility of all new homeowners to provide to the Board their name(s) and mailing address for the purpose of receiving Board correspondence and assessment billing. Any off-site owners should provide their mailing address as well as the name(s) of current tenants upon change of occupancy. It is the intent of the Homeowners Board to provide applicable

Page 5

correspondence to tenants as well as homeowners to insure consistency in following the covenants, bylaws and rules. If off-site owners have secured a property management company to handle their dues payments and property upkeep, they must supply the contact information to the Homeowners Board.

**Investment of Reserve Funds**

Due to the lack of a full year of actual expenses by the Deerfield Park PUD, no reserve investment plan has as yet been established. Once the Board has stabilized income and expenses, the Board will make a determination of reserve fund investing, based upon legal and tax advice of the Board's attorney.

**Adopting or Amending Policies**

Rules for adopting and amending rules and regulations are adopted based upon the rules established in the Deerfield Park Covenants, Article VI, Section 2; Bylaws, Article I, Section 1.11.

For those sections of the policies which are non-specific or missing, it is the Board's obligation to have such policies reviewed by their attorney to determine intent. The Board may issue additional letters to the Homeowners to clarify policy intent, once determined and approved by the attorney. These additions or changes to policy will then be added to the appropriate Deerfield Park governing document as an amendment.

**Dispute Resolution with Board and Homeowners**

Any homeowner(s) who has a dispute with a decision made by the Homeowners' Board, should submit a letter to the Board outlining the cause of disagreement. The Board will contact the Homeowner and schedule a personal meeting to discuss the dispute.

The homeowner will have an opportunity to present information as it applies to this dispute. The homeowner should bring any documentation or evidence supporting their resolution, as is reasonable and applicable.

The Homeowners Board will review the information presented at this meeting and make a decision agreeable to the majority of the Board within 10 days of the homeowner's meeting. The decision of the Board will be final. However, if resolution is not found, the Board may refer the dispute to arbitration or legal proceedings.