

CUMBERLAND GREEN
DESIGN GUIDELINES – RULES AND REGULATIONS
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CUMBERLAND GREEN

DESIGN GUIDELINES – RULES AND REGULATIONS

Introduction

Cumberland Green is a planned community located in the City of Fountain, Colorado. The Cumberland Green Metropolitan District (hereafter referred to as "CGMD") will evaluate homeowner design applications to make sure they are consistent with the vision for Cumberland Green as described in the Master Declaration of Covenants, Conditions, and Restrictions for Cumberland Green.

Purpose of the Master Declaration

The Master Declaration is executed to (a) further a common and general plan for the Community Area, (b) enhance and protect the quality, value, aesthetic nature, desirability, and attractiveness of the Community Area, (c) provide a mechanism to review additions and changes to commercial and residential structures located within the Community Area, (d) provide a mechanism for the enforcement of the provisions of the Master Declaration, and (e) define certain duties, powers, and rights of Owners of Sites within the Community Area.

Design Guidelines

Compliance with these guidelines will help preserve the inherent architectural and aesthetic quality of CUMBERLAND GREEN. It is important that improvements to any property be made in harmony with and not detrimental to, the rest of the community. A spirit of cooperation with the District and its neighbors will go far in creating an optimum environment, which will benefit all homeowners and the community as a whole. By following these Design Guidelines and obtaining approvals for improvements to your property from the Design Review Committee (hereafter referred to as the "Committee"), homeowners will be protecting their financial investment and will help make sure that the improvements to their property are compatible with standards established for Cumberland Green.

Design Review Procedures

All site improvements, including, but not limited to, walks, fencing, patios, lighting, landscaping, or other exterior improvements, are subject to review under these Design Guidelines. Unless otherwise specifically stated herein, drawings and/or plans for the proposed improvement(s) must be submitted to the Committee and **written approval** must be obtained **before** the improvements are made.

Submission of Drawings and Plans and Architectural Plan Review

For major improvements, such as room additions, remodels, structural changes or accessory building construction, the Owner must submit to the Committee two sets of construction documents that include the following to a scale of $\frac{1}{4}'' = 1'$:

- Architectural elevations (front, side, and rear), indicating typical proposed grade lines, finished floor elevations, top of slab elevations, and building height calculations
 - Floor plans, including square footage for each floor
 - Roof plans indicating pitches, ridges, etc.
 - Indication of all proposed exterior materials
 - Exterior details
 - Any other proposed improvements (i.e. decks, awnings, hot tubs, etc.)
 - Samples of all finished exterior materials and colors
 - Specifications or catalog sheets for exterior lighting

Landscape Plans and Other Site Improvements Review

Approval must be obtained prior to installation of any landscaping or any other site improvements including, but not limited to, dog runs, play equipment, fencing, site lighting, patios, etc. The materials to be submitted should be professionally prepared by an architect, landscape architect, or draftsman. If plans are not prepared professionally, plans must be drawn to scale and must have sufficient detail to permit a comprehensive review by the Committee.

The following guidelines should be utilized in preparing drawings or plans:

The drawing or plan must be done at a scale of $1'' = 10'$ and should depict the property lines of the owner's lot and the footprint of the home as located on the lot. Existing improvements, in addition to the owner's home, should be shown on the drawing and identified. (See Appendix C)

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

Plans for any other site improvements, such as play/sports equipment, dog runs, hot tubs, trellises, retaining walls, fencing, lighting, etc. must be shown on the plan with a description of the proposed improvement, including the materials and colors to be used. In the case of structural improvements (i.e., gazebo, fence, trellises, etc.), an elevation drawing to scale of the proposed improvement is also required.

Revisions and Additions to Approved Plans

Any revisions and/or additions to the approved Architectural or Landscape Plans made by the owner or as required by any governmental agency must be resubmitted for approval by the Committee. The revised plans must follow the requirements as outlined above.

Review Action by the Design Review Committee

The Design Review Committee will meet regularly to review all plans submitted for approval. The Committee may require the submission of additional material and may postpone action and review until all required materials have been submitted. The Committee will contact the homeowner in writing if the Committee feels additional information is necessary. The Committee will act on the plans within 30 days after receipt of all materials required by the Committee (unless the time is extended by written, mutual agreement). A written response of the decision by the Committee will be sent to the homeowner by mail within 5 days of the Committee's decision. The Committee may extend the time frame up to an additional 15 days upon notification of the applicant. The Committee will not return submittal plans, but may return material samples at its sole discretion.

Failure of the Committee to Act on Plans

Any request for approval of a proposed improvement must be deemed approved, unless disapproval or a request for additional information or materials is transmitted to the Applicant by the Committee within 30 days after the date of receipt by the Committee of all required materials.

Completion of Improvement(s) With Approval

After approval of any proposed improvement, the improvement(s) must be accomplished as promptly and diligently as possible. Failure to complete the proposed improvements within 12 months after the date of approval or such period of extension of the initial 12-month period as specified in writing by the Committee must constitute noncompliance with the requirements for approval.

Review of Work in Progress and/or Completion of Work

The Committee may review all work in progress and/or at completion of work to the extent required to ensure that the improvement(s) complies with all approved plans and/or construction procedures. Please be sure to follow the Procedures for Submitting Design Review Applications, which has been included in your Design Guidelines packet. If you do not have the application materials, please contact CGMD or your Community Manager to get a copy. The Committee may withdraw approval of any project if the approved plan is not being followed.

Enforcement

As provided in the Master Declaration, CGMD has the primary authority to enforce the provisions of these Design Guidelines. If an owner fails to perform or observe any covenant, condition, or requirement imposed by CGMD or these Design Guidelines, CGMD and/or Committee may notify the owner of the noncompliance as described in the Master Declaration and proceed in the manner set forth therein and in these Design Guidelines.

Rights of Appeal by Applicant

Pursuant to Section 6.7 of the Master Declaration, the decision of the Design Review Committee is final in all respects, and an applicant does not have the right to appeal a decision of the Design Review Committee to the Board of Directors of the District.

Effect of Governmental and Other Regulations

Approval of plans by the Committee does not constitute compliance with the requirements of local, zoning, health, safety or fire codes or other applicable law, as determined by such governmental and/or regulatory agencies, and it is the responsibility of each owner to comply with such requirements.

Administration of Design Guidelines

It is the responsibility of the Committee to insure that all proposed improvements meet or exceed the requirements of these Design Guidelines and to promote the highest quality design for the neighborhood. Specific duties and powers of the Committee are defined in the Master Declaration of Covenants, Conditions, and Restrictions for Cumberland Green.

Variances

At its sole discretion, the Committee may grant variances from compliance with any of the provisions of these Design Guidelines when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations may require.

Revisions to Design Guidelines

The Committee reserves the right to revise these Design Guidelines from time to time as changing conditions and/or priorities dictate.

Landscape Standards

General

The landscaping for each lot should include substantial live plants in the front yard of each home, landscape screening where necessary to provide privacy, and lawn and shrub beds that blend into adjacent properties.

Water Conservation

In the landscaping of each residential site, plant materials, irrigation systems and maintenance practices must be utilized to conserve water, wherever possible. It should be noted that if Xeriscape landscaping is selected, a more traditional "green" appearance can still be achieved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch will be allowed in place of green, growing plant material. Please refer to the end of this Design Guideline packet for a listing of approved plant materials for Cumberland Green.

Landscape Irrigation

Automatic irrigation systems shall be required to be installed and maintained by the homeowner in all front yards. Automatic irrigation systems must be installed, maintained and operated by the owner in such a fashion as to conserve water to the maximum extent practicable while still maintaining landscaping in an attractive, green and growing condition. Turf areas must be zoned separately from shrub and groundcover beds.

Landscape Maintenance

All landscaping must be maintained in a neat, attractive and healthy condition. The owner, taking into account weather conditions affecting the planting of replacement landscaping, *must replace dead or dying landscape materials as soon as possible and/or within 14 days of written notification from the Committee.*

Front and Side Yard Landscaping

Landscaping within the front yard must consist of a combination of turf lawn trees and shrub beds. **Large areas of rock or wood mulch without shrub or flower plantings will be prohibited.** Shrub beds must be coordinated between lots, as much as possible, to provide visual continuity. Side yards which front onto streets or public open spaces must also be landscaped by the homeowner.

Front and side yard landscaping must be installed within 90 days of occupancy, unless the home is first occupied between October 1st and March 31st. In this instance the completion of the front, rear and side yard landscaping could

be delayed until the following July 1st. **Should a homeowner fail to complete the minimum landscaping within the allotted time frame, the escrowed funds will be released to CGMD as a fine for the homeowner's failure to complete the minimum landscaping. The CGMD retains the right to access the Property to install the minimum landscaping at its option.** If it does so, CGMD has the right to file a lien against the Property until the Buyer has reimbursed CGMD for the costs of the minimum landscaping, together with the interest at a rate of 10% per annum on the sums advanced by CGMD from the date advanced until the date repaid.

Rear Yard Landscaping

Rear yard landscaping must be installed within 90 days of occupancy, unless the home is first occupied between October 1st and March 31st, where completion could be delayed until the following July 1st. Like the front and side yard landscaping, the rear yard landscaping will be subject to the same general Design Guidelines as described above.

Plant Materials

A minimum of one deciduous shade tree, one flowering ornamental tree, or one evergreen tree must be planted in the front yard. The deciduous tree must be a minimum of 2 ½ inch caliper at the time of installation and the flowering ornamental tree must be 2 inch caliper minimum at time of installation. The evergreen tree size must be 6 feet to 8 feet in height at time of installation.

Required evergreen trees must generally be spaced 3 to 5 feet apart and at least 10 to 15 feet away from structures. Trees with columnar or a narrow growth habit may be spaced closer to each other and structures. Generally, where small and medium sized shrubs are required, they must be spaced 3 to 5 feet apart and large shrubs spaced 5 to 6 feet apart.

A minimum of three, 5-gallon size shrubs must be planted in the front yard. Vines, groundcovers, and perennial flowers must be 1-gallon size minimum.

All required plant materials must conform to minimum standards established by the American Association of Nurserymen, as published in the American Standards of Nursery Stock. Plant growth habits and mature sizes should be taken into consideration when spacing trees, shrubs, and groundcover.

All turf areas must be sod or seeded with an improved variety of Kentucky bluegrass or drought tolerant equivalent.

Landscape Materials

Lawn areas must be separated from shrub beds with edging material. Edging must be limited to heavy (wide gauge) steel, concrete, brick, or stone on a foundation.

Mulch may include crushed or rounded gravel, shredded wood, or bark native to Colorado. Unnatural or high contrasting color mulch will be prohibited and earthtone colors will be encouraged. Weed barriers are required under all bark or gravel mulch.

All trees must be staked or guyed using metal T-post or wood lodge pole stakes. Guy wires must be maintained by the homeowner to keep all newly planted trees set plumb.

Boulders used in landscaping must be native to Colorado and must be approved by the Committee.

General Site Improvements for CUMBERLAND GREEN Lots

Accessory Structures

Accessory structures, such as storage sheds, gazebos, and green houses must be located in the rear yard and must adhere to the general design guidelines outlined below. Requests for approval will be reviewed on a case-by-case basis, taking into account the lot size, square footage of the home, and proposed location of the accessory building. The accessory structure cannot exceed 80 square feet in size and 8 feet in height. Ideally, storage sheds must be located in areas that are not visible from open space, recreational areas, or public streets. It is important that the massing and scale, as well as forms, materials, and other detailing be coordinated with the main structure(s) on the home site. Gazebos must be an integral part of the landscape plan. Greenhouse structure approval will be based on, but not limited to, the general aesthetics, quality, and permanence of materials used. No carports or prefabricated metal sheds will be allowed.

Arbors and Trellises

Committee approval is required prior to installation of any proposed arbor or trellis. The inside height of a proposed arbor or trellis must not exceed 8 feet, 6 inches. Arbors must be complementary to the residence. Professionally prepared plans for Arbors are highly encouraged to expedite the approval process; otherwise, a photograph or catalog picture must be provided. All City of Fountain and the Pikes Peak Regional Building codes must be followed.

Awnings/Patio Covers/Shutters

Awning, patio covers, and shutter colors must be complimentary to the exterior color of the home. Patio covers must be structured of wood or material generally complementary to the home and be similar or complementary in color. Support posts for patio covers must be a minimum of 6" x 6" in size.

Basketball Hoops (portable and permanent)

No basketball backboards may be attached to a structure. Freestanding basketball backboards must be made of standard manufacturer's materials and colors. Temporary, portable basketball backboards and poles may not be used within public streets and must be stored out of view from adjacent properties and streets except when in use.

Dog Houses/Dog Runs

The Committee may allow dog houses and/or dog runs and these will be reviewed on a case-by-case basis. The location and size of the dog house or dog run will be determined with consideration given to its impact on adjacent properties and

streets. Generally, dog houses must not exceed 4 feet in height and must be compatible with the home in material and color. Dog run areas should not exceed 300 square feet in size and the fence height should not exceed 5 feet. The dog run fencing should be located immediately adjacent to the home and be compatible with the home in material and color. The use of chain-link fencing is strongly discouraged, but if it is used, the Owner must fully screen the dog run from adjacent properties, streets, and open space using the privacy fencing detail outlined for the Community. The standard privacy fence detail has been included in the back of these Design Guidelines.

Exterior Lighting

Committee approval is required prior to changing or adding exterior lighting. In reviewing lighting requests, the Committee will consider the visibility, style, location and quality of the lighting fixtures. Exterior lighting for security and/or other uses must be directed towards the ground whereby the light cone stays within the property boundaries and the light source does not cast a glare onto adjacent properties.

Exterior Mechanical Equipment

No exterior mechanical equipment may be erected on any residential site without the specific approval of the Committee. Ground level and window air conditioning units, including swamp coolers, must be installed at street level only. These must be located in a side or rear yard and must be screened from adjacent properties.

Fencing of your yard

Each owner must be responsible for installing, maintaining, repairing, and replacing, in a reasonably attractive manner, any fence located on such owner's site per the enclosed fence standards. Any owner constructing, erecting, installing, modifying, or replacing a fence must obtain the prior approval of the Committee in accordance with the Master Declaration and Design Standards. Chain link fence along the side or rear yard of a home is strictly prohibited. (See Appendix B - Approved Fence Detail)

Flags

Committee approval is required for permanent flagpoles. Committee approval is not required for flying the U.S. or Colorado flag from brackets attached to houses or temporary flagpoles. Decorative flags or banners must be kept in good repair. Limit one flag per home.

Garbage and Trash

No garbage, trash, lumber, grass or shrub clippings, plant waste, compost, metal, bulk materials, scrap, or debris of any kind will allowed to be stored or to accumulate on any site. All trash containers must have a cover that is resistant to animals and be kept within an enclosed structure. The container may be placed at the curb at such times as

may be necessary to permit garbage and trash pickup. Trash containers may not be placed at the curb prior to 7p.m. the evening before collection and must be returned to the enclosed structure the day of collection. [Need to determine trash pick-up specifics for Fountain.] Trash pick-up is left up to the individual homeowners. There is no trash pick-up service by the City of Fountain.

Holiday & Seasonal Decorations

Reasonable holiday/seasonal decorations and/or lighting do not require Committee approval if decorations are installed not more than 5 weeks prior and removed within 2 weeks after such holiday.

Hot Tubs /Jacuzzi

Hot tubs and Jacuzzis must be designed as an integral part of the deck or patio area and must be located in the side or rear yard area. They must be installed in such a way that they are not immediately visible to adjacent property owners, or screened by landscaping or privacy fence in such a manner that affords both homeowners' adequate privacy. The use of the hot tub/Jacuzzi cannot create an unreasonable level of noise for adjacent property owners.

Mailboxes

Required Cluster Mailboxes will be built in accordance with the approved community design guidelines and the United States Postal Service.

Maintenance of Drainage

All Owners of real property within the Community Area will be responsible for maintaining the established drainage pattern on such real property in accordance with the grading plan provided to the Owner at the time of closing. Please refer to your Drainage Certificate for details.

Maintenance of Fencing

Each owner of a site will be responsible for maintaining, repairing, and replacing, in a reasonably attractive manner, any fence located on the owner's site, unless the fence is to be maintained by CGMD.

Maintenance of Property Improvements

No property within Cumberland Green must be permitted to fall into disrepair and all property within Cumberland Green, including any Improvements upon that property (i.e. landscaping, patios, fencing), must be kept and maintained in a clean, safe, and attractive condition.

No Hazardous Activities

No activity may be conducted on and no improvement may be constructed on any property within Cumberland Green that is or might be unsafe or hazardous to any person or property.

No Unsightliness

All unsightly conditions, structures, facilities, equipment, and objects, including snow removal equipment and garden or maintenance equipment when not in actual use, must be enclosed within a structure.

Patios, Decks, and Paving Materials

Patios, decks, and paving materials must be compatible and harmonious with the structure and surrounding neighborhood and must be an integral part of the landscape architecture design. Materials and colors shall be compatible with those of the main house structure. Natural wood decks shall be permitted with any type of building material. It is also recommended that paving materials be earth tone colors.

Painting/Repainting

Committee approval is required for all exterior painting or repainting of the home and accessory improvements. All exterior finishes including front doors and shutters should be subdued earth tones such as grey, green, brown, muted blues or reds, or other similar colors. White, primary colors and other bright colors will be permitted as trim colors only. Downspouts should be painted to match the body color of the home.

Pet Fencing

Pet fencing may include any invisible fence on or within the perimeter boundary of an owner's site per the enclosed fencing standards. Also refer to dog houses/dog runs for additional information and restrictions.

Play and Sports Equipment

Play equipment must be located in the rear yard and set back a minimum of 5 feet from the property lines. Consideration must be given in the location of play equipment so as to not create an undue disturbance on neighboring properties. No playground equipment above 6 feet in height, as measured from the rear ground level door or porch of any home built on any Residential Site, can be erected on any Residential Site within the Community Area without the prior approval of the Committee. Playhouses larger than 30 square feet and higher than 6 feet will be reviewed on a case by case basis.

Recreational and Commercial Vehicles

No commercial vehicle, house trailer, camper, camping trailer, motor home, horse trailer, boat, hauling trailer of any nature, truck **larger than ¾ ton**, self contained recreational vehicle (commonly referred to as an "RV"), snowmobile, jet-ski, motocross motorcycle, three-wheeler, or other recreational equipment or vehicle-associated accessory can be parked on any portion of the community longer than 48 hours in any 2-week period.

Retaining Walls

Retaining wall materials must be compatible with the color and style of the home. Materials may include boulders, stone, brick or modular concrete block. Walls within lots should not exceed 3 feet in height. Walls should not obstruct or adversely affect existing drainage patterns.

Roof Replacement/Rooftop Equipment

Committee approval is required if roof material or color is changed. Roofing color should be complementary to other colors on the home. Air conditioning units must be ground mounted.

Satellite Dishes/Antennae

Satellite dishes and antennae must be carefully located and screened to minimize visibility from any public streets, public open spaces, or adjacent homes and should be no larger than one meter or less in diameter. To the extent feasible, the satellite dish/antennae should be placed in the rear or side yard area. Antennae for short wave or HAM radio operation are prohibited unless it can be demonstrated that said antennae can be screened from view similar to a satellite dish.

Screen/Security Doors and Windows

Committee approval is not required for the addition of screen doors or storm windows added to a home if the material and color matches, or is similar to, existing doors and windows on the home.

Signs/Address Numbers

Temporary signs advertising property for sale or lease (i.e. typical and customary real estate sign) may be installed on a lot without Committee approval, provided there is no more than one sign per lot. All trade signs, which include, but are not limited to, landscaping, painting, remodeling, etc. may only be displayed while work is in progress and must be removed upon completion of the job. All other signs, including address numbers and nameplate signs, must be approved by the Committee.

Solar Equipment/Skylights

Solar equipment and skylights must be designed as an integral part of the roof. Skylight glazing must be clear, solar bronze, or white.

Swimming Pools

Requests for swimming pools will be reviewed on a case-by-case basis by the Committee with consideration given to, but not necessarily limited to, the size of the yard area, setback from impact on neighboring properties, size of pool enclosure, and pool materials. Aboveground pools are not allowed. All City of Fountain and/or Pikes Peak Regional Building Department and El Paso County Health Department permits must be obtained by the homeowner prior to plan review by the Committee.

Yard Ornaments

Permanent yard ornaments in front yards or yards adjacent to public open space or streets, including, but not limited to, fountains, sculpture, statues, wagon wheels, driftwood, birdbaths, etc., will require approval by the Committee. Yard ornaments located in the front yard are discouraged.

Vehicle Repair

Maintenance (other than washing and polishing vehicles), servicing, repair, dismantling, or repainting of any type vehicle, boat, trailer, machine, etc. cannot be carried on upon any residential site, except within a completely enclosed structure that screens the sight and sound of the activity.

Vegetable Gardens

Vegetable gardens must be located in either the rear or side yards. Gardens must be screened from neighboring homes, common open space areas, and adjacent streets.

**Cumberland Green
Penalty Policy
Enforcement of Covenants, Limitations and Restrictions**

It benefits all homeowners in Cumberland Green to establish Design Guidelines, Rules and Regulations to promote the common good and enjoyment of the homeowners' investments, protect property values, and maintain a pleasant living environment. Pursuant to the Documents and Section 32-1-1001 (1)(j) C.R.S., failure to adhere to the Rules and Regulations as outlined in the Documents may result in monetary penalties, or suspension of any services provided by CGMD. Furthermore, the homeowner may also be held responsible for costs incurred by CGMD to resolve the issue such as, but not limited to, legal expenses. By statute and the legal documents, unpaid penalties are a first lien on the property in question and may be foreclosed through judicial proceedings.

1st Notice of Violation Courtesy Notice

The first notice to the homeowner will give the nature of the alleged violation and will contain a request for compliance within 10 days of the written notice.

2nd Notice of Violation – Fine Warning

The second notice to the homeowner will state that the alleged violation has not been corrected and that a \$50.00 penalty will be imposed if the homeowner does not comply within 10 days of such notice.

3rd Notice of Violation –\$50.00 Penalty

The third notice to the homeowner will state that the alleged violation has not been corrected and that a penalty of \$50.00 has been imposed. The homeowner will be given notice that a \$100.00 penalty will be imposed if the alleged violation is not corrected within 14 days. Covenant violations cannot be appealed. However, if a homeowner disagrees with any alleged landscape violation (such as late, unapproved or inappropriate landscaping), then the homeowner can appeal in writing to the Committee within 10 days of receipt of notice. The Committee will set a date when the homeowner can be heard to review the issue.

4th Notice of Violation –\$100.00 Penalty

The fourth notice to the homeowner will state that that the alleged violation has not been corrected and that a penalty of \$100.00 has been imposed. The homeowner will be given notice that (a) subsequent penalties of \$100.00 will be imposed every 14 days until the alleged violation is corrected and (b) homeowner may be responsible for all costs incurred by CGMD to resolve the issue, including, but not limited to, fines, fees, liens, and legal fees.

Notwithstanding the foregoing, if the Committee believes that the property has been abandoned, is vacant, is in foreclosure, or the violation will continue without a reasonable prospect that a remedy is imminent, then the Committee may (a) accelerate the period for notifications hereunder, (b) record statements of lien, (c) otherwise exercise the self help provisions available under these Design Guidelines and the Covenants, or (d) turn the matter over to the Committee's legal counsel for appropriate legal action.

Cumberland Green Definitions

Declaration - means the Master Declaration of Covenants, Conditions and Restrictions for Cumberland Green, as it may be amended or supplemented from time to time.

Design Guidelines, Rules, and Regulations - means any instrument adopted by the Declarant for the purpose of establishing guidelines, rules, regulations, and procedures relating to the architectural design, exterior appearance of all dwellings, and any improvements or alterations made on any lot. The design guidelines may be amended or supplemented from time to time.

Design Standards - means the original Cumberland Green Design Standards dated October 10, 2006, which may be amended from time to time by CGMD.

CG - means Cumberland Green

Improvements to Property - means all structures and any appurtenances thereto and equipment of every type or kind, including, but not limited to, buildings, outbuildings, swimming pools, patio covers, awnings, painting of any exterior surfaces of any visible structure, additions, walkways, outdoor sculptures or artwork, sprinkler pipes, garages, carports, basketball poles and/or backboards, playground equipment, flagpoles, roads, driveways, parking areas, fences, screening walls, retaining walls, stairs, decks, fixtures, landscaping (both organic and non-organic), hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, exterior tanks, solar equipment, antennae, satellite dishes and exterior air conditioning units.

Owner - means the recorded holder of legal title to the fee simple interest in any Lot or portion thereof.

Penalty Policy - means the Enforcement of Covenants, Limitations and Restrictions set forth in the Master Declaration for Cumberland Green.

Design Review Committee - means a committee of members, who need not be members of the Board of Directors of CGMD or owners, who are appointed by CGMD to perform design review functions and other functions related to enforcement of the Master Declaration.

Residential Site - means the real property that is subject to the Master Declaration.

Cumberland Green Metropolitan District - means a quasi-public corporation organized under the laws of the State of Colorado.

Cumberland Green Appendix List

★ **Exhibit A**

Recommended and Approved Plant List for Cumberland Green

★ **Exhibit B**

Approved Fence Standards for Cumberland Green

☆ **Exhibit C**

Typical Landscape Plan for Cumberland Green

★ **Exhibit D**

Submittal forms and procedures for Initial and Final Design Review for Cumberland Green

Exhibit A
Recommended and Approved Plant List
Cumberland Green

(x) Means approved xeriscape plants

Deciduous Shade Trees

American Linden
Burr Oak (x)
Greenspire Linden
Redmond Linden
Columnar Norway Maple
Columnar English Oak
Norway Maple
Northern Red Oak
Common Hackberry (x)
Swamp White Oak
Red Maple
Kentucky Coffee Tree (x)
Ohio Buckeye (x)
Black Walnut (x)

Ornamental Trees

Amur Maple (x)
Aristocrat Pear
Selected Flowering Crabapples
Golden Rain Tree (x)
Redspire Pear
Thornless Cockspur Hawthorn (x)
Native Chokecherry (x)
Quaking Aspen
Canada Red Cherry

Evergreen Trees

Pinyon Pine (x)
Ponderosa Pine (x)
Austrian Pine (x)
Colorado Blue Spruce
Concolor Fir

Deciduous Shrubs

Alpine Currant
Barberry
Cistena Plum
Nanking Cherry
Western Sand Cherry (x)
Native Chokecherry (x)
Peking Cotoneaster (x)
Golden Currant (x)
Burning Bush
Anthony Waterer Spirea
Froebel Spirea
Bluemist Spirea (x)
Snowmound Spirea
Butterfly Bush (x)
Threeleaf Sumac (x)
Fragrant Sumac (x)
Thimbleberry
Select Viburnum Species
Dwarf Arctic Willow
Dwarf Korean Lilac
Isanti Dogwood
Bailey Dogwood
Yucca (x)
Mockorange
Shrub Rose
Gambel Oak (x)
Dwarf Ninebark
Chinese Lilac
Common Purple Lilac
White Snowberry
Potentilla Species
Wayfaring Tree (x)
Sagebrush (x)
Serviceberry (x)
Hancock Coralberry (x)

Evergreen Shrubs

Buffalo Juniper (x)
Scandia Juniper (x)
Tammy Juniper (x)
Hughes Juniper (x)
Bluechip Juniper (x)
Wilton Juniper (x)

- Calgary Juniper (x)
- Prince of Wales Juniper (x)
- Dwarf Mugho Pine (x)

Perennials, Groundcovers, and Vines

Daylily (x)

- Shasta Daisy
- Columbine
- Blanket Flower (x)
- Purple Coneflower (x)
- Border Jewell
- Poppy Species
- Creeping Potentilla
- Creeping Mahonia (x)
- Snow in Summer
- Wild Strawberry
- Sedums (x)
- Common Yarrow (x)
- Virginia Creeper
- Clematis
- Hall's Honeysuckle
- Silver Lace Vine
- Sweet William
- Creeping Phlox
- Basket of Gold (x)
- Periwinkle
- Fall Mums
- Fall Asters
- Japanese Iris
- Coreopsis

Ornamental Grasses (for use in shrub beds)

- Blue Fescue (x)
- Fountain Grass (x)
- Feather Reed Grass
- Blue Avena (x)
- Maiden Grass

Trees Not Allowed In Tree Lawn (Public Right-of-Way)

- Popular Species (including Quaking Aspen)
- Willow Species
- Box Elder
- Siberian Elm
- Silver Maple

Coniferous Trees within Sight Distance Triangle
Green Ash
Honey Locust

Exhibit B
Approved Fence Standards for Cumberland Green

Examples Attached:

Six (6) foot, white vinyl privacy fence. Bufftech "Chesterfield" or equivalent.

Five (5) foot, 4-rail, white vinyl fence. Bufftech "4 Rail Style" or equivalent.

Please Note:

Community fencing owned and maintained by CGMD will be the TREX-manufactured six (6) foot, dark brown fencing with masonry pilasters or Bufftech five (5) foot, 4 rail style, white vinyl fence.

Exhibit C
Typical Landscape Plan
Cumberland Green

Exhibit D
CUMBERLAND GREEN
PROCEDURES FOR SUBMITTING DESIGN REVIEW APPLICATIONS

As stated in the *Design Guidelines – Rules and Regulations*, pre-approval is required for ALL external improvements made to your home (i.e. landscape, fence, deck, hot tub, paint colors, etc.) **PRIOR** to installation. It is important that this process be followed to ensure and promote design excellence in your community, and prevent possible fine violations.

1. The initial Design Review Application must be completed and submitted directly to _____ [at the address or fax number listed on the application.

2. _____ will review all applications and forward the applications to the Committee for final approval. The Committee will act upon the plans within 30 days of receipt of a completed application packet.

3. _____ will contact the homeowner in writing with the decision on the submitted application. If your improvement is not approved, you must resubmit with the necessary revisions (as indicated by the Committee) until you have received written approval from the Committee.

4. Once your improvement is completed, you may then submit the **Final Approval & Inspection Application** to _____. Once submitted, _____ will conduct an on-site inspection of the improvement.

5. Once _____ does an on-site inspection of the improvement, you will receive written notification of approval. They will also notify the Cumberland Green Metropolitan District in writing. The District will notify your Title Company to release your landscape escrow money and your check will be mailed to your home address usually, within 14 days.

Forward Design Review Applications to:

.....

If you have any questions, please contact _____ directly at _____. Thank you in advance for your cooperation.

Thank You for helping make Cumberland Green a great place to live!

CUMBERLAND GREEN METROPOLITAN DISTRICT

ARCHITECTURAL REVIEW APPLICATION FOR EXTERIOR CHANGES

PURPOSE

The purpose of the Architectural Review Application is to provide sufficient information for the Architectural Review Committee (ARC) to review and approve proposals for improvements that impact the design and integrity of the Cumberland Green community.

Date: _____ Name of Homeowners: _____

Address: _____

Telephone Number: (Home) _____ (Work) _____ (Mobile) _____

Email Address _____

PROJECT DESCRIPTION & PERTINENT INFORMATION

In the space below, please provide a complete written description of the changes you propose to make to your property. The description should include location(s), dimensions, materials, colors and finishes associated with the proposed project. Also include a statement about how the proposed changes will complement and maintain the existing design continuity and integrity of Cumberland Green. Please attach an additional sheet or sheets as needed to provide a complete description of the project:

NOTE: Please attach all applicable site plans, and/or floorplans with your application. If additional details about the project are needed by the ARC you will be notified of the specific information. Incomplete applications will delay the approval process or potentially result in the denial of your request by the ARC. Commencement of work on the project cannot start until written approval is granted by the ARC.

Work must be performed by licensed and insured contractors. Prior to approval of the ARC Application, a Certificate (or Certificates) of Insurance must be submitted to the ARC which names the Cumberland Green Metropolitan District (the District) as an additional insured. Exterior improvements will not be approved without proper indemnification of the District.

Name of Contractor/Contractors doing the work if applicable:

License Number of Contractor(s): _____

Telephone Number(s) of Contractor(s):

Office _____ Mobile _____ Other _____

Location of improvement (check applicable areas): YOU MUST ATTACH An Architect's rendering, lot survey or scale drawing including elevations to show location of improvement if applicable (include distances from walls and houses):

front of house _____ back of house _____ side of house _____
roof _____ patio _____ garage _____
from nearest lot line(s) _____ other _____

Est. Completion Date: _____ NOTE: All work must be completed within six (6) months from date off approval; otherwise the work could be declared a nuisance and/or hazard for neighbors and the community. If it appears to you that you will not be able to complete the project in the allocated time, please contact this office to discuss a possible extension.

OWNER'S AFFIDAVIT

I am familiar with the Governing Documents of the Cumberland Green Metropolitan District as applicable to the subject lot and to my knowledge nothing in the proposed improvement/alteration is in violation of them.

I represent and warrant that the proposed improvement/alteration will be completed in strict compliance with the Governing Documents.

I understand that approval by the Architectural Committee shall in no way be construed as a waiver of modification of the Governing Documents.

I represent and warrant that the proposed improvement/alteration will be in conformity and harmony of external design and location to the surrounding structures and topography, and that the quality of workmanship and materials involved will be in conformity with that of the existing structure.

I understand that it is my responsibility to conform to any city, county, state, federal, or other agency building codes and ordinances that may apply to this improvement/alteration and that approval by the Architectural Committee shall in no way be construed as a waiver as such.

I agree that no construction or other work on this improvement/alteration shall commence until I have received the written approval from the Architectural Committee. I understand that the Architectural Committee will act on this request as quickly as possible and contact me regarding their decision.

I understand that the ARC may share this application (or portions thereof) with my neighbors and solicit their input which may be taken into consideration.

CONDITION OF APPROVAL AND DISCLAIMER

Unless specifically agreed otherwise in writing by the Board of Directors, approval of the submitted plans is expressly conditioned upon the owner agreeing to assume the cost for any additional maintenance directly or indirectly caused by the proposed modification(s), addition(s) or improvement(s).

During the approval process, the District may require that its architect, landscape consultant, attorney, contractor, etc., review the proposed plans. SUCH REVIEWS ARE VERY LIMITED IN SCOPE AND MAY NOT BE RELIED UPON BY THE OWNER TO ENSURE CORRECTNESS OF PLANS FROM EITHER A LEGAL, ARCHITECTURAL, STRUCTURAL, ENGINEERING, LANDSCAPING, ETC., STANDPOINT.

The applicant FURTHER AGREES AND REPRESENTS that, as a condition of submittal, they independently reviewed and confirmed that the proposed plans are correct for a legal, structural, architecture, engineering, and/or landscaping standpoint and will not in any way, other than that which has been disclosed in the application, negatively impact the District or cause damage or additional maintenance to District-owned land and/or District maintained property.

The applicant FURTHER AGREES AND REPRESENTS that the applicant has complied with all applicable Federal, State, County and City laws and ordinances and has obtained all necessary permits in connection with the proposed plans. Applicant further agrees to send copies of all permits to the District prior to the actual implementation of the proposed plans.

SUBMITTAL

Please submit your Architectural Review Application via email to:

Cumberland Green Metropolitan District

Attn: James McGrady, Manager

Email: DesignReview@cumberlandgreenmetro.org

Assuming submittal of a complete application, you will receive a written decision on your ARC application as soon as possible, but within no more than 30 days. Any time spent for additional information, revised plans or other items of requirement of the District to complete a finalized application shall not be assessed against the noted initial 30-day period.

This application is NOT AUTHORIZED until approved by the Architectural Review Committee.

OFFICE USE ONLY

Date of Receipt: _____

Request for Additional Information (if applicable): _____

Receipt of Additional Information: _____

Date of ARC Decision: _____

Approval: _____

Approval w/Modifications: _____

Disapproval: _____

Remarks:

Follow-up inspection by: _____

Date: _____

Additional Remarks: