



# **ELK RUN HOMEOWNER'S ASSOCIATION DESIGN AND MAINTENANCE STANDARDS**

## **Introduction**

The Elk Run Design and Maintenance Standards ("Standards") are hereby developed as of March, 2002 by the Elk Run Homeowner's Association Board of Directors ("Board") and its Architectural Control Committee ("ACC") under the authority provided in the Elk Run Declaration of Covenants, Restrictions, Easements and By-Laws, as amended ("Covenants").

The requirements of these Standards shall be in addition to, and not in place of, the requirements and provisions of the Covenants and By-Laws. The Board believes that these Standards benefit all members of Elk Run Homeowner's Association, Inc. ("Association") by helping its members govern the use of the land and the conduct of its members to preserve, protect and increase property values and their quality of life as residents. It believes enforcement of these Standards is essential to the continued success of this community. Any homeowner not possessing a copy of the Covenants/By-Laws should contact the Association for a complimentary copy.

These Standards apply to new construction, alterations, additions or repairing of existing structures, landscaping, and to the maintenance of such Lots and Structures as described in the Covenants/By-Laws.

If the homeowner proceeds with any alterations, additions or repainting without prior written approval by the ACC, the homeowner runs the risk of

having to correct any violation at his own expense as well as pay any fines imposed for violating these Standards. And, if the homeowner does not maintain their property to the Standards set forth herein, they shall be subject to fines imposed until the issue is resolved. If violations are not corrected in a timely manner, fines will continue to accrue and liens may be placed on the property as appropriate.

The Rights of enforcement and Abatement are described in The Covenants and By-Laws. Fine schedules for violations of these Standards can be found in guidelines (Appendix E).

### 1. AUTHORITY

This Standards document is promulgated pursuant to the authority granted to the ACC of the Elk Run Subdivision (hereinafter referred to as the "Subdivision" as recorded in deed book 1125 page 671.

### 2. PURPOSE

Plans must be submitted to and approved by the ACC pursuant to the Covenants and these Standards for the sole and exclusive purpose of assuring that all structures and landscaping within the Subdivision are in conformity and harmony of external design and maintained within existing standards of the neighborhood.

### 3. DEFINITIONS

The words "Structure", "Owner", and "Lot" as used herein shall have the same meaning as such words has in the Covenants.

- A. **Lot**- any parcel of land shown upon a subdivision plat recorded in the Office of the Clerk of the Superior Court of Douglas County, covering any portion of the Property, provided however that no portion of the Common Property shall ever be a lot.
- B. **Owner**- the record owner, whether one or more persons or entities, of a fee simple title to any lot, provided, however, that where fee simple title has been transferred and is being held

merely as security for the repayment of a loan, the person or entity who would own the Lot in fee simple if such loan were paid in full shall be considered the Owner.

- C. **Structure-** (a) any thing or object the placement of which upon any Lot may affect the appearance of such Lot, including by way of illustration and not limitation, any building or part thereof, garage, porch, shed, greenhouse or bath house, coop or cage, covered or uncovered patio, swimming pool, fence, curbing, paving, wall, tree shrub, sign signboard, or any other temporary or permanent improvement to such Lot, (b) any excavation, grading, fill, ditch, diversion dam or other thing which affects the natural flow of surface waters from, upon or across any Lot, or which affects or alters the flow of any waters in any natural or artificial creek, stream, wash or drainage channel from or across any lot; and (c) any change to grade at any point on a lot of more than six (6) inches.

#### 4. CONSTRUCTION

- A. **Structure Layout Markings-** After approval by the ACC of plans for any Structure and prior to the commencement of any construction or grading on the Lot for which such plans were approved, the location of such Structure shall be clearly marked on such Lot. After such marking, the Owner or the Owner's contractors shall request in writing that a representative of the ACC inspect the proposed location of the Structure as marked on the Lot to determine whether such location is consistent with these Standards. Within a reasonable time after receipt of such written request, the ACC shall: (1) inspect the proposed location of the Structure as marked on the Lot and (2) notify the Owner in writing of its approval or disapproval of the proposed location of the Structure. In any case in which the ACC shall disapprove the proposed location, or shall approve the same only as modified or upon specified conditions, such disapproval or qualified approval shall be accompanied by a statement of the grounds upon which such action is based. In any case the ACC shall, if requested, make reasonable efforts to assist and advise the applicant in order that an acceptable location may be marked

and submitted for approval. In no event shall the Owner allow any grading or cutting of trees on the Lot prior to approval of the proposed location by the ACC.

- B. **Construction Vehicles-** During approved construction, all Vehicles in any way connected with such construction shall enter the Lot or Lots under construction only by the driveway as approved in the plans by the ACC. All vehicles shall be parked at the Lot to avoid damage to trees, paving, curbs, gutters, and any other improvements on the Lot.
- C. **Site Cleanup-** All stumps and brush are to be removed from Lots prior to foundation construction, and no such stumps, brush, or other debris shall be buried on such Lots. Construction debris shall be removed as often as necessary to keep the Lot and Structure thereon attractive. Construction debris shall not be dumped in any area of the Subdivision unless approved in writing by the ACC.
- D. **Grading-** Lots shall be graded in such a manner so as not to Block any natural or man made swales, ditches or drainage structures. Earth and hay berms shall be installed on Lots by the Owner thereof when, in the opinion of the ACC, such Lot may erode due to topography. Whenever possible, Lots shall drain independently rather than to adjoining Lots.
- E. **Community Impact-** All modifications to Lots must be Sensitive to the occupants of neighboring Lots and homes. Modifications should be planned and constructed such that they will have minimal impact on the views from neighboring Lots, and such that they will not change existing water runoff. As a factor in the decision to approve or deny a modification, the ACC will consider a proposed modification's impact on neighboring Lots.

## 5. DESIGN

- A. **Dwelling Quality and Size-** It is the intention and purpose of Standard to assure that all dwellings shall be of a high and substantially similar quality of workmanship and materials.

No single family residential Structure shall be located on any Lot unless said Structure shall have at least 1,100 square feet of heated living area (exclusive of garages, carports, porches, terraces, bulk-storage and basement). No such Structure shall exceed two stories in height. Additional restrictions and requirements for dwellings constructed in the Subdivision may be specified on the Plat or in zoning conditions applicable to the Property, from time to time; all such additional restrictions requirements are incorporated herein by reference.

- B. **Garages-** For security and appearance considerations, Homeowners are encouraged to keep garage doors closed when not in use. Garage doors shall be coordinated with all Structures on the lot and materials and colors for such doors shall be specified on the plans submitted to the ACC for approval. All garages shall be maintained in such a manner that parking for the maximum number of vehicles for which it was originally designed to hold is allowed and possible.
- C. **Windows and Doors-** Silver-finish aluminum doors (including Sliding doors) and windows shall not be approved. A factory-painted or anodized finish aluminum may be used, the color of which shall be specified in the plans submitted to the ACC for approval and shall be subject to the color guidelines contained in Appendix A of these Design standards.
- D. **Exterior Colors and Materials-** To provide a neat, attractive and harmonious appearance throughout the community, no exterior changes shall be made without the written approval of the ACC. Exterior colors and materials on all houses shall be specified in the plans submitted to the ACC for approval and shall be subject to the color charts and material guidelines contained in Appendix A of these Standards. Should a builder or homeowner wishes to make changes in these scheduled color schemes or design their own colors, this may be done only by consulting with the ACC in order to achieve a well coordinated color scheme throughout the community.

- E. **Roofing-** Roofing material and color shall be specified in the plans submitted to the ACC for approval and shall be subject to the color and material guidelines contained in Appendix A of these Design Standards. No plumbing or heating vent exhaust fans or skylights shall penetrate roof surfaces that face the street adjacent to the structures. All roof stacks and flashing must be painted to blend with roof colors.

## 6. Appearance

- A. **Pools and Spas-** Plans for proposed swimming pools, hot tubs, Surrounding decks, fencing and screening must be submitted for ACC approval prior to any clearing, grading or construction. No above ground pools will be approved. Mail Boxes- All mailbox systems must conform to U.S. Postal Service Specifications and to these Standards specified in Appendix "C"
- B. **Basketball Goals-** Only portable basketball goals can be installed. Request for installations of portable goals must be submitted for approval by the ACC. Backboards must be maintained and in good repair.
- C. **Garbage Containers-** Garbage Containers should be put out to the curb no earlier than 5:00PM the day before pickup and removed from the curb by end of the day of pickup.
- D. **Lawns-** All lawns, which are visible from the street or common areas, shall be kept in a neat and attractive manner as described in Appendix B.
- J. **Signs-** No signs, whatsoever shall be installed, altered or maintained on any Lot, or on any portion of a Structure visible from the street or any common area, except:
- (1) such signs as may be required by legal proceedings;
  - (2) not more than one "For Sale" or "For Rent" sign; provided, however, that in no event any sign be larger than six (6) feet in area;



- (3) directional signs for vehicular or pedestrian or safety;
- (4) no signs allowed in common areas/roadways except as approved by the ACC.
- (5) following the consummation of the sale of any lot the sign located thereon shall be removed immediately.

## APPENDIX "A"

### COLORS AND MATERIAL GUIDELINE

Submitted for approval.

#### A. Materials- Recommend materials include:

1. Hardy plank – or equivalent.
2. Brick- There shall be no white-looking brick and no weeping mortar. All brick shall be in subdued colors and samples must be submitted for approval. Old used brick will be accepted in special areas, as will be the painting of brick.
3. Stone- Shall conform to the standards and appearance of the neighborhood.
4. Stucco- Stucco is a specialized house finish. Stucco houses shall be of the same type and colors as it conforms to the standards and appearance of the neighborhood.
5. Vinyl Siding-
  - A. Color and style to be approved by ACC. Color must be uniform on the surface and consistent throughout the siding thickness.
  - B. Siding and accessories shall be installed in accordance with the latest edition of installation instructions prepared by the Vinyl Siding Institute of the Society of the Plastics Industry, Inc.
  - C. All siding and accessory materials must be first quality with a minimum thickness of .042 inches. All vinyl materials shall be extruded PVC complying with ASTM D 3679-81A "Standard Specifications for PVC Siding".
  - D. Panels should be smooth or uniformly embossed to provide an attractive wood grain appearance. Matching shutters should be louvered or raised panel PVC. Weep holes are required to provide escape for condensation and water vapor.
  - E. Approved insulation must be installed over the existing surface and behind the new.

#### B. COLORS

1. The exterior colors of the walls and roof of a single-family residential structure shall be compatible and harmonious with the colors of nearby single-family residential structures. No highly reflective or bright colors will be allowed.
2. All predominant colors, which are the large areas of painted walls, must be in subdued colors.



3. Secondary colors shall be compatible with the primary colors contained on the color charts and be limited to architectural details such as fascia, frames, shutters, front door, etc.
4. All proposed exterior repainting of a different color than the existing paint must be submitted to the ACC for consideration and approval. The new color of the walls of adjacent residential structures shall not be the same.
5. Roofs- Roofs shall be asphalt or cedar-shake shingles only and must conform in color and the general appearance of the house with written approval of the ACC.

## APPENDIX "B"

### A. LAWNS

1. All lawns visible from the street or from any common area shall be neat in appearance.
2. No lawns visible from the street or from any common area shall exceed more than six (6) inches in height.
3. Weeds shall not be permitted to grow in lawns, flower beds, in or around shrubs or trees. Each resident shall make the effort to rid their lawn of weeds.
4. Lawns visible from the street or any common area are to be fertilized at least once in the spring of each year.
5. It is the sole responsibility of each homeowner to maintain the curbs and sidewalks adjoining their lots. No grass shall be permitted to grow over curbs or sidewalks.
6. All dead or dying shrubs shall be removed.
7. All shrubs shall be trimmed and kept in a neat manner.

### B. GROUND COVER

1. All lawns visible from the street or from any common area shall have some type of uniform ground cover.
2. It is the responsibility of the owner to ensure that all portions of of their lot, which is visible from the street or any common area, have ground cover of either grass, sod or some other type of ground cover as approved by the ACC.

## APPENDIX "C"

**Mailbox Specifications-** Mailboxes shall consist of a white post with visible BLACK house numbers and a white box for the mail receptor.

**Signs-** No signs permitted in any Common Area.

## APPENDIX "D"

**Other Violations-** Failure to correct other violations not covered in these documents, and shall be in the interpretation of the Board Of Directors, be in violation of the Covenants and deemed not to be in the best interest of the Neighborhood shall carry a fine from \$2.00 to \$25.00, based on the severity of the violation, as determined by the Board of Directors.

## APPENDIX "E"

### ASSESSMENT FINES FOR VIOLATIONS OF COVENANTS AND DESIGN STANDARDS

Following are the fines that will be assessed for violations of the Declaration and Design Standards. The notes show references to paragraphs in the Covenants (prefaced with a C), Design Standards (prefaced with a DS) and some, which are also covered by Douglas County Code. These fines will be levied on the homeowner responsible for the violation.

Category	Warning Period	Assessment Fine	Comments
1. Signs- Contractor	None	\$10/day	The Association will immediately remove. Reference: Covenants DS Sec. 6-J
2. Signs-Real Estate	20 days	\$10/day	Association will remove 20 days after warning: no directional signs allowed on common or public property. Reference: DS Sec.6- J
3. Signs- Street Post	None	\$10/day per sign	Reference: DS Sec. 6-J
4. Mailboxes	20 days	\$2/day	Association will replace after 20 days with cost plus administrative fees billed to owner. Reference. DS Appendix "C"
5. Grass Mowing/Yard Work Undone	20 days	\$15/day	Grass over six inches high. Association will have work completed after 20 days with cost plus administrative fees billed to owner Reference: DS Appendix "B"
6. Trees/ Shrubbery Overgrown	20 days	\$15/day	Same As Above Reference: DS Appendix "B"
7. Trees/ Shrubbery Dead or Dying	20 days	\$10/day	Same As Above Reference: DS Appendix "B"
8. Trash Put Out Too Early/Left Out Too Late	1 Warning	\$15/day	Reference: DS Sec. 6-B
9. Lack of	20 days	\$10/day	Any portion of lot visible from street must

Appropriate Ground Cover			have a neat & attractive appearance as determined by ACC Reference: DS Appendix "B"-B
10. Boats/Trailers/Campers Visible on Property	20 days	\$15/day	Or Approved Reference: Covenants Article 7.7
11. Delay in Completing Project: Plans and Time Frames Must be App. By ACC	20 days	\$5/day for Painting; \$25/day for Construction; \$25/day for Landscaping	Reference: Covenants Article 7.10
12. Unapproved Structures	20day	\$15/day	Reference: Covenants Article 2 Section b
13. Animals Declared a Nuisance	20 days	\$10/day	Reference: Covenants Article 7.10
14. Failure to submit Modification Plans for Approval	Variable	\$25/day per event	Reference: Covenants Article 2 Section b
15. Failure to Correct Other Violations Specified Above	Variable	\$2 - \$25 based on severity	Reference: DS Appendix "D"
16. Parking on Street	1 Warning	\$10/day	Reference: Article 7.7