

# **JACOBY FARM**

## **Design Guidelines & Homeowner Handbook**

October 2015

THE DESIGN REVIEW COMMITTEE RESERVES THE RIGHT TO MODIFY THESE GUIDELINES AND THE POLICIES THEREIN AT ANY TIME IN ITS SOLE DISCRETION. PLEASE CONTACT THE MANAGEMENT COMPANY TO BE CERTAIN OF THE LATEST VERSION OF THIS DOCUMENT.

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## ***Welcome to Jacoby Farm***

Welcome to Jacoby Farm (“Community”), a single-family detached residential community located near Grand Avenue and 15<sup>th</sup> Street (Weld County Road 15) in the Town of Windsor, Weld County, Colorado. The Community offers small-town charm and easy access to shopping, dining and Windsor Lake.

Residents should be aware that the Jacoby Farm Metropolitan District (“Metropolitan District”) is an independent unit of local government formed, among other reasons, to own, operate, manage and maintain various Common Areas, to provide services for the benefit of the real property owners in the Community (each an “Owner” or “Homeowner”), and to administer and enforce the Protective Covenants and Easements of Jacoby Farm (“Declaration”) and other Governing Documents (described therein and summarized below). The Metropolitan District is administered by a Board of Directors and assisted by a third-party property management company (the “Management Company”).

### **Management Company:**

Metro District Management, LLC

333 W. Drake Rd., Suite 142

Fort Collins, CO 80526

Phone: (970) 484-0101

Fax: (970) 300-1042

Email: [jacoby@mdmoffice.com](mailto:jacoby@mdmoffice.com)

Website: [www.metropolitandistricts.com](http://www.metropolitandistricts.com)

A spirit of cooperation between the Metropolitan District, its committees, its contractors and vendors, and all Owners will go far in creating an optimum environment for the Community to thrive. Compliance with the Guidelines and the provisions of the Declaration will help preserve the inherent Design and aesthetic quality of the Community.

## ***An Overview of the Metropolitan District***

The Metropolitan District is governed by various documents including but not limited to:

- The Amended and Restated Service Plan for Windsor Northwest Metropolitan Districts No. 1, No. 2, No. 3, and No. 4, approved by the Town of Windsor on December 8, 2003 and filed with the Colorado Department of Local Affairs, Division of Local Government;
- Revised Order Approving Name Change to Jacoby Farm Metropolitan District, approved by the Weld County District Court on February 24, 2009, and recorded in the Office of the Clerk and Recorder of Weld County on March 6, 2009 at Reception No. 3609471.
- Title 32 of the Colorado Revised Statutes, as amended;

- The Protective Covenants and Easements of Jacoby Farm recorded in the Office of the Clerk and Recorder of Weld County on February 26, 2015 at Reception No. 4086160, as amended;
- A Resolution Accepting Covenants and Obligations of District To Enforce, approved by the Jacoby Farm Metropolitan District on December 15, 2014; and
- This document, the Design Guidelines & Homeowner Handbook, as amended.

Owners should review the documents described above, as well as any other policies, amendments, and other materials available through the Metropolitan District’s management company. In the event that any of the documents conflict with the Declaration, the terms and conditions of the Declaration shall control.

The Metropolitan District is responsible for:

- **Design review and covenant enforcement services.**
- **Maintenance of certain Common Areas.**
- **Maintenance of landscaping within certain right-of-ways owned by the Town of Windsor, including:** the landscaped median within Grand Avenue, the landscaped roundabout within Windshire/Grand intersection, and the landscaping along south side of Jacoby Road behind the rears of the northern most lots in the Community (i.e. behind Block 2).
- **Maintenance of the underdrain main up to each lateral, except** the Homeowner shall be responsible for maintenance of the underdrain from the lateral to the house as well as any foundation drain system on the Lot.
- **Maintenance of non-potable irrigation system up to and including meter, except** the Homeowner shall be responsible for the non-potable irrigation system from the valve after the meter as well as any sprinkler system on the Lot.

The Metropolitan District is NOT responsible for:

- **Maintenance and snow removal on streets.** All streets within the community are public streets and the Town of Windsor is responsible for maintenance and snow removal.
- **Maintenance of any home or privately-owned Lot, including:** yard maintenance, driveway or sidewalk snow removal, as well as repair or replacement of any fences located on private Lots. Any such maintenance is the responsibility of each Homeowner. However, the Metropolitan District retains such rights as described in the Declaration, including but not limited to Correction of Non-compliance described in Section 2.11 of the Declaration.

- **Intervening in matters of civil law such as boundary or drainage disputes.** In some cases, the Windsor Police Department or Windsor Planning Division may handle matters more effectively than the Metropolitan District. Items of this nature might include roaming animals, abandoned or unauthorized vehicles on public streets, and/or persistent noise problems.
- **Trash and recycling services.** Homeowners may contract with the service provider of their choice. In the interest of neighborhood safety, reducing noise, pollution and reducing road wear and tear, Ram Waste has been selected as the preferred trash collection company and is providing preferred pricing. Fees are billed directly to each homeowner. To initiate service, please contact Ram Waste at (970) 226-3396,

### *Design Review*

Article 2, Section 2.2 of the Declaration requires that no Improvements be constructed, erected, placed, planted, applied, installed or modified upon any Lot unless complete plans and specifications have been first submitted to and approved in writing by the Design Review Committee (“DRC”) of the Metropolitan District.

Article 2, Section 2.3 of the Declaration authorizes the DRC to promulgate architectural standards, rules, regulations and/or guidelines to interpret and implement the provisions the provisions of this Declaration.

This document, the Design Guidelines & Homeowner Handbook (“Guidelines”), shall constitute such architectural standards, rules, regulations and/or guidelines and is intended to assist residents with basic information about the Community and its design standards, rules, and procedures. The Metropolitan District intends for these Guidelines to help Homeowners to: (a) identify best practices for improving their properties, (b) prepare design submittals and receive timely reviews, and (c) assist with enforcement matters.

THE DRC RESERVES THE RIGHT TO MODIFY THESE GUIDELINES AND THE POLICIES THEREIN AT ANY TIME IN ITS SOLE DISCRETION. HOMEOWNERS MUST CONTACT THE MANAGEMENT COMPANY TO ENSURE THEY HAVE THE LATEST VERSION.

Subject to limited exceptions described in the Declaration, all Improvements require DRC approval prior to construction. Some Improvements set forth in these Guidelines do not require DRC approval. Any improvement installed without DRC approval is subject to removal at the owner’s sole expense. The owner may also be subject to fines or other legal action.

<p><b>Please note:</b> All approvals must be in writing. On-site personnel, including a sales person or construction supervisor, do not have authority to approve DRC submissions.</p>
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The DRC shall decide each request for approval within forty-five (45) days after the complete submission of the application or request and submission to the DRC of all plans, specifications and other materials and information which the DRC may require in conjunction with such application or request. If the DRC fails to decide any application or request within forty-five (45) days after the complete submission of the plans, specifications, materials and other information with respect thereto, then such application or request for approval shall be deemed to have been denied by the DRC. The DRC may grant variances or adjustments from any conditions and restrictions subject to the limits of Section 2.15 of the Declaration.

In reviewing any matter, neither the DRC, nor the Declarant, shall be responsible for the safety, whether structural or otherwise, of any item(s) submitted for review, nor conformance with applicable building codes or other governmental laws or regulations, and any approval or conditional approval of an Improvement by the DRC, or the Declarant, shall not be deemed a representation that the same comply any such codes or matters.

### ***Submittal Procedures***

1. Use the Submittal Form attached to these Guidelines as **Exhibit C**. All requests must be submitted in writing by email, fax or hard copy. When a complete request is received, the Management Company will forward the request to the DRC, track the request, and return a written decision to the applicant.
2. Provide complete details and specifications, including:
  - Plot plan showing the location of the Improvement(s).
  - Size, species and quantities for any landscaping requests.
  - Dimensions (i.e. height, width and length), description of materials, and color samples for any structures or equipment. Paint samples should be at least 8" x 10". In some cases, the DRC may require a sample of the material for its review. All samples will be provided at the Applicant's sole expense.
  - Applicant information including name, street address and phone number (and mailing address if different than that of the Property).
  - The DRC may require additional information depending on the nature of the request.
3. Plan ahead. The DRC strives to respond to requests quickly. However, the DRC normally meets once per month at irregular intervals, and may require up to forty-five (45) days after your complete submittal is received for a decision to be made.
4. A written decision will be delivered to you by mail or email. A written decision could be:



- Approved
- Approved with conditions
- Pending further information
- Denied

**Please note:** If you do not receive a written decision within forty-five (45) days, your request is deemed denied.

If a request is denied, you may contact the Management Company for more information or appeal the decision of the DRC to the Board of Directors. Appeals must be submitted in writing through the Management Company within thirty (30) days of denial. The Board of Directors will then set a date for a hearing and notify you as to the time and place.

ANY IMPROVEMENT INSTALLED WITHOUT APPROVAL IS SUBJECT TO REMOVAL AT THE HOMEOWNER'S SOLE EXPENSE. THE HOMEOWNER MAY ALSO BE SUBJECT TO FINES OR OTHER LEGAL ACTION.

**Please note:** The following guidelines are not all-inclusive. Questions should be directed to the Management Company. Any requests not specifically addressed below will be reviewed by the DRC on a case-by-case basis.

### *Design Guidelines and Regulations*

- a. Accessory structures  
Storage sheds and outbuildings require prior approval of the DRC. Such structures may not appear to be temporary in character. Such structures must be finished with style, materials and color(s) complimentary to the home, and be located within 20' of the home. No storage shed or outbuilding may be constructed within the setbacks. Storage sheds and outbuildings shall not exceed 120 square feet.
- Notwithstanding the foregoing, all other accessory structures, such as gazebos, greenhouses or play equipment shall also be subject to prior DRC approval and will be evaluated on their individual merit, use, location on lot and appearance.
- See also Play Equipment.
- b. Additions and remodeling  
Approval is required for all additions, expansions, or remodeling which will alter the exterior of the residence. Submittals must include detailed plans, specifications, dimensions, and location. All plans for such improvements must match the overall theme of the residence.
- The DRC may also require certification of any plans or drawings by a licensed engineer, as well as copies of building permit(s) upon their issuance.
- c. Address numbers  
Address numbers may not exceed 6" in height. Submittal should specify location and materials.
- d. Advertising  
See Signage.
- e. Air conditioners  
See HVAC.
- f. Animals  
See Pets and Pet enclosures.
- g. Antennas and satellite dishes  
Subject to the Telecommunications Act of 1996 and applicable regulations, no exterior radio antenna, television antenna, or other antenna, satellite dish, or audio or visual reception device of any type shall be

placed, erected or maintained on any lot, except inside the home or otherwise concealed from view.

For the purposes of this section, a device shall be considered "concealed from view" if located in the rear yard or in a side yard behind front 1/3<sup>rd</sup> of the home, and not exceeding 36" x 22" in size.

All others shall be approved on a case-by-case basis.

- h. Artificial turf  
Approval is required prior to the installation of artificial turf. Artificial turf products will be considered on a case-by-case basis. Applicant shall include a product sample (minimum 10"x10") with the request. Artificial turf will only be allowed in rear yards if at all.

See also Landscaping.

- i. Awnings and overhangs  
Approval is required prior to installation. Awnings or overhangs should be an integral part of the house or patio architecture. The color must be the same as, or generally recognized as a complementary to, the exterior of the residence.

Submittal must include a sample of the fabric/material to be used and state whether the awning or overhang is retractable or permanent.

- j. Basketball hoops  
Basketball backboards attached to the house or garage are not permitted. DRC approval is required for placement and design of stationary standing basketball backboards. Free-standing roll-out type basketball backboards are not permitted.

- k. Boats  
See Vehicles.

- l. Business activities  
Lots are intended for residential use only. Business activities must be secondary to the residential use of the home and conducted entirely within the home. Business activities shall not involve regular visitors, clients, employees, or deliveries. Business activities shall not be apparent or detectable by sight, sound, or smell from the outside of the home.

- m. Campers See Vehicles.
- n. Canal
 

This Community is located in close proximity to the Greeley No. 2 Canal (“Canal”) which distributes non-potable water throughout northern Colorado. Homeowners should be aware that fluctuations in the water levels of the Canal could cause a variety of natural occurrences, including but not limited to flooding, destruction of vegetation, and/or high groundwater.

The Metropolitan District is not responsible for the maintenance or appearance of the Canal, any insects or wildlife related thereto, or the safety of life or property related thereto.

Homeowners may contact the New Cache La Poudre Irrigating Company at (970) 352-0222 for information regarding the Canal.
- o. Clotheslines and drying racks
 

No permanent clotheslines, clothes poles, drying racks or drying yards shall be constructed, installed, erected or maintained.

Notwithstanding the foregoing, Owners may install a retractable clothesline in the rear yard or in a side yard behind the front 1/3<sup>rd</sup> of the home and shall not require DRC approval. It shall be retracted when not in regular use.
- p. Decks
 

Decks must be redwood or a wood-look/textured material (e.g. Trex Deck). Wood decks shall be left their natural color, stained with a clear sealer, or stained to match fences. Painted decks are not permitted. Wood-look materials must be a color compatible with the color scheme of the home.

Decks must appear to be an integral part of the residence, and, in general, no part of the stairs or landings will be allowed to extend into the side property area beyond the back corners of the home. Deck railing must also match that of the deck, existing railing on the house or the general scheme within the Community. Deck skirting is not allowed on decks that are more than 2’ above finished grade. No freestanding decks will be approved.

All decks must comply with setback restrictions.

See also Fences.

q. Deck covers

See Awnings and overhangs.

r. Decorations,  
holiday and  
seasonal

No approval is required provided materials are in good taste, not installed earlier than thirty (30) days prior to the holiday, and removed within fifteen (15) days following the holiday.

For the purposes of this section, a decoration shall be deemed “in good taste” if satisfying generally accepted social or aesthetic standards as determined by the DRC in its sole discretion.

See also Flags.

s. Decorations,  
permanent

Any permanent items such as yard statuary, benches, arbors, birdbaths, fountains, wall-mounted art, and so forth are not allowed in the front yard of the property. Such items may be permitted in the rear yard subject to DRC approval.

t. Dog runs

See Pet enclosures and houses.

u. Doors

No DRC approval is required for screen, storm and security doors which are a neutral color (i.e. black, white, gray, bronze or consistent with color scheme of residence) and which do not contain scrollwork or filigree.

No DRC approval is required for entry doors which are stained or painted a color that is compatible with trim and siding of the home.

All other door styles and colors must be submitted for DRC approval.

See also Painting; Garages.

v. Drainage

There shall be no interference with the established drainage pattern over any property within the Community except as approved in writing by the DRC. Approval shall not be granted unless provision is made for adequate alternate drainage. The “established drainage pattern” shall mean the drainage pattern that

exists at the time the overall grading of any property is completed and shall include any established drainage pattern shown on any plans approved by the DRC or the Declarant.

Each Owner is required to contain mud, silt, or other debris on his/her own property. Owners are not allowed to increase or decrease historical flows of water onto adjacent property.

See also Underdrain.

- w. Driveways, sidewalks and patios

Repair or Replacement:

No DRC approval necessary when repair or replacement involves identical materials, location, and dimensions. However, any changes will require DRC approval.

Materials:

Pavers, flagstone or concrete are generally permitted materials, subject to DRC approval. Submittal package must specify which material and include a sample or color photo. Asphalt is not permitted.

No Widening of Driveways:

Extending, expanding or widening of a driveway is not permitted. Additionally, parking in the rear or side yard areas of the lot is not permitted.

See also Vehicles.

New Projects:

New projects not installed by the builder (e.g. a path through the side yard or a patio in the rear yard) shall require DRC approval. Submittal package must show location and dimensions, and must specify the material, including a sample or color photo. Materials must be installed in a workmanlike manner so as to avoid excessive cracking or spalling. Submittal package may also require certification of any plans or drawings by a licensed engineer.

See also Drainage.

See also Snow removal and maintenance.

- x. Fences Fences constructed by a Developer or the Metropolitan District may not be changed or relocated.

Materials and Types:

All fences in the Community will be the same 3-rail style constructed of Cedar wood. See fence detail in **Exhibit A**. Homeowners may install welded wire to contain pets. Chicken wire is prohibited. Welded wire for pet containment must be installed on the inside of the fence (i.e. on the side facing the center of the lot).

Stain and Treatment:

Fences may be left untreated or stained with a clear sealer.

Maintenance Obligations:

Homeowners shall maintain all Improvements located on their lot, including but not limited to the fences. All perimeter fences along Jacoby Road and 15th Street are located on the private side of the lot line and therefore maintained by the Homeowner. Homeowners may contact the Management Company for clarification as to whether a particular fence is located on their lot or on a Common Area adjacent to their lot.

- y. Flags and flagpoles

An American flag may be displayed on a bracket holder attached to the home, in a window, or on a balcony and shall not require DRC approval. Nonetheless, the flag must be displayed in accordance to the Federal Flag Code.

One (1) American flag and/or one (1) Colorado flag are permitted to be displayed per home provided the flag(s) do not exceed five (5) square feet each.

Flags for sports teams and holidays will be allowed during the duration of the event.

DRC approval is required for all other flags and banners.

Permanent free-standing flagpoles may not exceed 14' in height and must be approved by the DRC before installation.

All flags must be kept/flown in a neat and attractive condition.

z. Garage sales

No approval is required for garage sales provided the items for sale are personal household goods, and have not been purchased for resale in bulk, at auction or estate sale, and provided the sale is held in such a manner so as to not disturb other residents of the area. All garage sales must comply with applicable municipal requirements. The Metropolitan District reserves the right to place limitations on the number of times per year that an individual property can be used for garage sales.

After the conclusion of the garage sale, no items can be left out on the driveway, sidewalk, or street unless the Homeowner is having the items picked up. In no circumstances shall items remain visible for more than forty-eight (48) hours.

All garage sale signage must be removed promptly at the conclusion of the garage sale.

aa. Garages

Each residence shall have a garage with the capacity for a minimum of two (2) cars. No garages shall exceed capacity for four (4) cars.

Garage doors shall be wood, hardboard, fiberglass or metal. All garage doors must be painted the same as, or generally recognized as a complementary to, the exterior of the residence. Garage doors should not remain open for an unreasonable amount of time.

See also Painting, exterior.

bb. Gardens, flower and vegetable

The installation of new flower and vegetable beds or gardens requires DRC approval. Vegetable beds or gardens are limited to back yards. The mature height of garden plants shall not exceed 6'. All gardens shall be kept in a neat, weed-free condition. Railroad ties and chain link fences are not permitted for enclosing gardens.

See also Fences; Landscaping.

cc. Gazebos

See Accessory structures.



- dd. Grade change See Drainage.
- ee. Greenhouses and sunrooms See Accessory structures.
- ff. Hot tubs, spas and saunas
 

DRC approval is required for exterior hot tubs, spa equipment, saunas or jetted tubs (sometimes called Jacuzzis). Equipment must be installed in such a way that it is not immediately visible to and will not adversely impact neighbors by noise, drainage or other such problems. Equipment will only be permitted in back yards at ground level. In some cases, the DRC may require the consent of the adjacent Homeowner.

See also Nuisances, lights, sounds and odors.
- gg. HVAC
 

All heating, ventilation and air conditioning equipment shall be installed at ground level or completely contained within the structure. Ground-mounted equipment shall be located in the rear yard or in a side yard behind front 1/3<sup>rd</sup> of the home.

Roof-mounted or window-mounted HVAC equipment is not permitted.
- hh. Landscaping
 

Timing of Installation:  
Subject to obtaining prior DRC approval, the Owner of each Lot (other than Declarant) shall install landscaping on such Lot within one hundred eighty (180) days after close of escrow on a finished home.

All front, side and rear yards shall be landscaped. The landscaped area must include a minimum of 25% sod.

All lots will be sodden with a bluegrass or turf-type fescue mixture, and all yards must have 3 yards per 1000 square feet, minimum, of composted manure mix, rototilled into subsoil, 6 to 8 inches in depth prior to sod installation. All turf areas shall be irrigated with an automatic sprinkler system. All bed areas shall be irrigated with an automatic drip irrigation system. All irrigation systems must be served by the non-potable irrigation system rather than the domestic tap for the house.

No shrubs shall be planted within 5' of water meters or fire hydrants, and no trees within 10' of the same.

Front Yard Requirements:

- At least one 2" caliper shade or ornamental tree (inclusive of the Street Tree); and
- At least five 5-gallon shrubs.

Rear Yard Recommendations:

- At least one 2" caliper shade or ornamental tree (inclusive of the Street Tree); and
- At least five 5-gallon shrubs.

Materials:

A list of recommended plant species is shown in **Exhibit B**. Homeowners are encouraged to select from this list.

Edging:

Side and rear yard landscaping shall provide a natural transition between the Lot and its surroundings. All areas on the property line where rock and/or mulch meets grass (i.e at the borders between different landscape materials) are required to have edging, preferably steel or concrete. Edging must be used unless grass is meeting grass or rock meeting rock on any adjacent lot.

Landscape Plan Review:

A \$40.00 review fee will apply. Please see **Exhibit C** for the DRC Submittal Form.

See also Fences; Street Trees.

ii. Lattice work

Requires DRC approval and will generally be limited to use under decks.

jj. Lights, exterior

All lighting, including any security type fixture, must be directed downwards and the light "cone" created must be contained within the property boundaries to avoid a glare to neighboring properties.

Walkway lighting must be directed to the ground and shall not exceed 24" in height.

See also Nuisances, lights, sounds and odors.

kk. Mailboxes

The U.S. Postal Service provides mail service to this Community with four (4) cluster mailbox locations:

1. Mannon Drive and Grand Avenue, serving the homes located in Blocks 2, 4 and 5.
2. Stoll Drive and Sorenson Drive, serving Blocks 1 and 3.
3. Stoll Drive and Windshire Drive, serving Blocks 9, 10 and 11.
4. Brolien Drive and McNeil Drive, serving Blocks 6, 7 and 8.

Homeowners may contact their local Post Office for lock and key issues. The Metropolitan District is responsible for all other maintenance relating to the cluster mailboxes, including snow removal. Homeowners may contact the Management Company with questions or concerns.

ll. Motor homes and recreational vehicles (RVs)

See Vehicles.

mm. Non-potable irrigation system

Overview:

A non-potable (non-drinkable) irrigation system has been installed in this Community to provide irrigation for all private lawns, street trees, medians, Common Areas, and open spaces. All sprinkler systems in this Community, regardless of location, must connect to the non-potable irrigation system via a non-potable water tap separate from the domestic tap which services the home. No cross connection is allowed.

Service Provider and Water Usage Fees:

Service is presently provided through the Metropolitan District. Homeowners pay the Metropolitan District a monthly water usage fee. A rate schedule for non-potable water is available from the Management Company.

Maintenance:

The Metropolitan District maintains the non-potable irrigation system up to and including the meter regardless of its location within a right-of-way or within an easement on a private lot. Homeowners maintain the non-potable irrigation system from the valve after the meter, including the sprinkler system on the Lot. A backflow preventer is not currently required for the non-potable irrigation system.

See also Landscaping.

nn. Nuisances, lights, sounds and odors

No nuisance shall be permitted which is visible within or otherwise affects the Community or any portion thereof, nor any use, activity or practice which unreasonably interferes with the peaceful enjoyment or possession and proper use of other lots or Common Areas.

No light shall be emitted from any lot which is unreasonably bright or causes unreasonable glare; no sound shall be emitted from any Lot which is unreasonably loud or annoying; and no odor shall be permitted from any lot which is noxious or offensive to others.

See also Lights, exterior; Unsightly conditions.

oo. Painting, exterior

DRC approval is not required when repainting a home using identical paint (manufacturer, colors and color scheme) as originally applied by the builder. However, any changes to the exterior paint will require DRC approval.

In general, the exterior colors of a home shall be primarily muted earth tones (e.g. gray, green, brown, beige, ivory, slate, etc.) with one or two accent colors applied to trim areas and Design features/details.

Color samples must be at least 8"x10", and marked clearly as to the areas in which they will be used. Submittal package must also include a current color picture of the home depicting the existing color scheme.

See also Garages.

pp. Patios

See Driveways, sidewalks and patios.

qq. Patio covers

See Awnings and overhangs.

rr. Pets

No animals, horses, livestock, birds, poultry, reptiles or insects of any kind shall be raised, bred, kept or boarded in the Community; provided, however, that the Owners of each lot may keep a reasonable number of bona fide household pets (including dogs, cats and other domestic animals approved by the Board), so long as such pets are not kept for any commercial purpose and are not kept in such number or in such manner as to create a nuisance to any resident of the Community.

For the purposes of this section, a "reasonable number" shall mean no more than three (3).

A homeowner's right to keep household pets is coupled with the responsibility to clean up after the pet and to pay for any damage caused by such pets.

Pets must be leashed or otherwise contained at all times.

See also Nuisances, lights, sounds and odors; Pet enclosures.

ss. Pet enclosures

Approval is required for all pet enclosures. The maximum size of a pet enclosure (i.e. a dog run) is three hundred (300) square feet.

Suggested methods of containment are:

- Open rail fence with heavy gauge wire only. Must be attached to the house and be no more than 10' x 30' in size.
- "Invisible" below-ground electronic containment systems.

Chicken wire and chain link materials are not permitted.

Approval is required for all pet houses (i.e. dog houses). The maximum size of a pet house is sixteen (16) square feet. Pet houses must be located in the rear yard and must not be visible above the fence line. Pet houses must be constructed with materials and colors which are compatible with exterior of the home.

tt. Play equipment

Approval is required prior to installation. This includes fort-style play structures, swing sets, climbing equipment, trampolines, etc. Submittal package must specify location and dimensions of play equipment, and include a product brochure or color photo.

All play equipment shall be located in the rear yard and must be a minimum of 6' from any property line. The maximum height of play equipment is twelve (12) feet from ground.

In some cases, the DRC may require the consent of the adjacent Homeowner and/or additional landscaping.

Sport courts will be evaluated on their individual merit, use, location on lot and appearance.

See also Basketball hoops.

uu. Pools

See Swimming pools.

vv. Recreational vehicles and motor homes

See Vehicles.

ww. Retaining walls

Approval is required. A single retaining wall shall not exceed thirty-six (36) inches in height (as measured at the exposed side) without an engineering plan.

The recommended retaining wall material is:

Manufacturer: Allan Block

Type: Keystone Compac

Color: Buff

Retaining walls should utilize a stone or brick material and will be reviewed on a case-by-case basis. Railroad ties and unfinished concrete masonry units are not permitted.

See also Drainage.

xx. Roofing

Approval is required. In general, roofs shall be constructed with either asphalt shingle or concrete tile materials and utilize a product which is a minimum 30-year quality. Roofs must be a neutral color (e.g. brown, black or gray).

Partial replacement or patching of damaged roof sections must be completed with the same brand and color (or suitable replacement) such that the repaired section shall not be distinguishable.

In general, rooftop equipment is not permitted.

See also HVAC; Skylights; Solar panels and solar energy devices.

yy. Satellite dishes

See Antennas and satellite dishes.

zz. Sheds

See Accessory structures.

aaa. Siding and exterior materials

Approval is required for any changes to the siding or exterior materials of the home. In general, siding material should be wood or fiber cement (e.g. Hardie Plank). Aluminum, vinyl, and steel siding are not permitted.

The use of masonry (including stucco) is encouraged.

In general, all siding and exterior materials should utilize earth tone colors.

See also Painting, exterior.

bbb. Signs

No advertising or signs of any character shall be erected, placed, permitted or maintained, except political signs permitted by the Colorado Common Interest Ownership Act, and other than a name plate of the occupant and a street number, and except for a "For Sale," "Open House," "For Rent" or security sign(s) of not more than a total of five (5) square feet, posted only for the purpose of selling, renting or evidencing the existence of a security system on such Lot, and such other signs, for such length(s) of time, which have the prior written approval of the DRC or are otherwise expressly permitted by law.

Notwithstanding the foregoing, political signs:

- May be displayed no earlier than forty-five (45) days before election and seven (7) days after election.
- Shall be limited to one (1) sign per political office or ballot issue that is contested in a pending election.
- Each sign shall not exceed 36" x 48" in size.
- Each sign shall remain within the homeowners property lines.
- No political signs may be placed on any Common Areas owned and/or maintained by the Metropolitan District.

ccc. Skylights

Skylights must be installed at the same pitch and angle of the existing roof. Bubble style skylights are not permitted.

ddd. Snow removal and maintenance

Snow removal and maintenance of driveways and certain sidewalks in front of or adjacent to the home are the responsibility of the homeowner. Snow removal and maintenance of at mail kiosks and sidewalks in Common Areas are the responsibility of the Metropolitan District. Residents may contact the management company for questions or clarification on snow removal.

See also Driveways, sidewalks and patios.



eee. Solar panels and solar energy devices  
Solar panels will be reviewed on a case-by-case basis. In general, solar panels should follow the same pitch and angle of the existing roof so as to minimize visual impact to adjacent property owners.

fff. Street Trees  
The Town of Windsor requires a minimum of one (1) "Street Tree" per Lot. They are deciduous shade trees planted approximately 30' to 40' on center. See recommended plant list attached as **Exhibit B**.

Where the sidewalk is attached to the street, the Street Tree shall be planted in an area ranging from 3' to 7' behind the sidewalk. Where the sidewalk is detached to the street, the Street Tree shall be installed in the "Tree Lawn" or landscaped area between the inside edge of the sidewalk and the outside edge of the curb. All Street Trees shall be placed at least 10' from edges of driveways and street corners, and 40' from any street light.

Homeowners are responsible for maintaining, repairing and replacing the Street Tree(s) adjacent to their home as well as the Tree Lawn (where applicable).

Homeowners should contact District Management at (970) 484-0101, or the Town of Windsor Forestry Division at (970) 686-7476 for questions about Street Trees.

ggg. Storage structures  
See Landscaping; Non-potable irrigation system.  
See Accessory structures.

hhh. Swamp coolers  
See HVAC.

iii. Swimming pools  
Inflatable or lightweight wading pools and splash pools not to exceed twelve (12) feet in diameter may be located in the rear yard without DRC approval between the months of May and September.

All other swimming pools require approval prior to installation. Permanent above-ground pools are prohibited.

All appropriate permits must be obtained from the governing municipality and all safety requirements met.

jjj. Swing sets See Play equipment.

kkk. Trampolines See Play equipment.

lll. Trailers See Vehicles.

mmm. Trash containers Trash containers may be placed at curbside for pickup after 6:00 p.m. on the evening before pick-up and shall be returned to a proper storage location by 9:00 p.m. the day of pick-up.

Trash containers shall be stored out of sight at all times except pickup, and shall be kept in a clean and sanitary condition.

See also Trash and recycling services; Wildlife precautions.

nnn. Trash and recycling services Trash and recycling services are not currently provided by the Metropolitan District. Homeowners should contract with the service provider of their choice.

In the interest of neighborhood safety, reducing noise, pollution and reducing road wear and tear, Ram Waste has been selected as the preferred trash collection company and is providing preferred pricing. Fees are billed directly to each homeowner. To initiate service, please contact Ram Waste at (970) 226-3396,

See also Trash containers.

ooo. Tree houses See Play equipment.

ppp. Underdrain This Community is equipped with an underdrain system installed within the right-of-way and certain easements on private lots. The underdrain system helps to collect groundwater throughout the Community and direct it away from homes. Each home has a foundation drain which connects to the underdrain system's main line by a lateral connection.

The Metropolitan District has the responsibility to maintain, repair and replace the main line of the underdrain system regardless of its location within the right-of-way or within an easement on a private lot.

Homeowners have the responsibility of maintaining the lateral from the main line, as well as the home's own foundation drain system and sump pump(s).

See also Drainage.

qqq. Unsightly conditions

No unsightly conditions, structures, facilities, equipment or objects shall be so located on any Lot as to be visible from a street or from any other lot.

For the purposes of this section, a condition shall be deemed "unsightly" if unkempt, distasteful or generally unpleasant to look at, as determined by the DRC in its sole discretion.

See also Nuisances, lights, sounds and odors.

rrr. Vehicles

Certain Types of Vehicles Restricted:

No house trailer, camping trailer, boat trailer, hauling trailer, snowmobile, jet ski, boat, or accessories thereto, truck (excluding pickup trucks that are 1 ton capacity or less), self-contained motorized recreational vehicle, or other type of recreational or commercial vehicle or equipment, may be parked or stored on a Lot unless such parking or storage is entirely within the garage of any Lot or will be suitably screened from view.

A "commercial vehicle" means a vehicle that meets any of the following: is used to transport cargo or passengers for profit or hire; or may (but is not required to) contain signage, advertising, or written information on the vehicle or extending from the vehicle; or is any vehicle registered with the State Motor Vehicles Department as a "commercial vehicle"; or meets the definition of local ordinances for being a commercial vehicle; or is any vehicle that is larger than 1 ton capacity.

"Recreational vehicle" includes motor homes, pick-up trucks with camper shells, trailers, self-contained recreational vehicles, motorcycles, motorbikes, snowmobiles, jet skis, boats, all-terrain vehicles, and other apparatus intended for use on land, water, or in the air, and the trailers used for their transportation.

However, any such vehicle may be otherwise parked temporarily for loading and/or delivery for a period not to exceed seventy-two (72) hours.

No Abandoned or Inoperable Vehicles:

No abandoned or inoperable automobiles or vehicles of any kind shall be stored or parked in the Community except in the garage of a Dwelling Unit. An “abandoned or inoperable vehicle” shall be defined as any automobile, truck, motorcycle, or other similar vehicle, which has not been driven under its own propulsion for a period of seventy-two (72) hours or longer, or which does not have an operable propulsion system installed therein, or which is not then currently registered and licensed, or which exhibits other characteristics of being abandoned or inoperable, such as, but not limited to, flattened tires or broken windows.

Maintenance or Repair Must Be Screened From View:

No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicles, trailers or boats, may be performed or conducted in the Community unless it is done within a completely enclosed structure which screens the sight and sound of the activity from the street and from adjoining property.

Parking Restrictions:

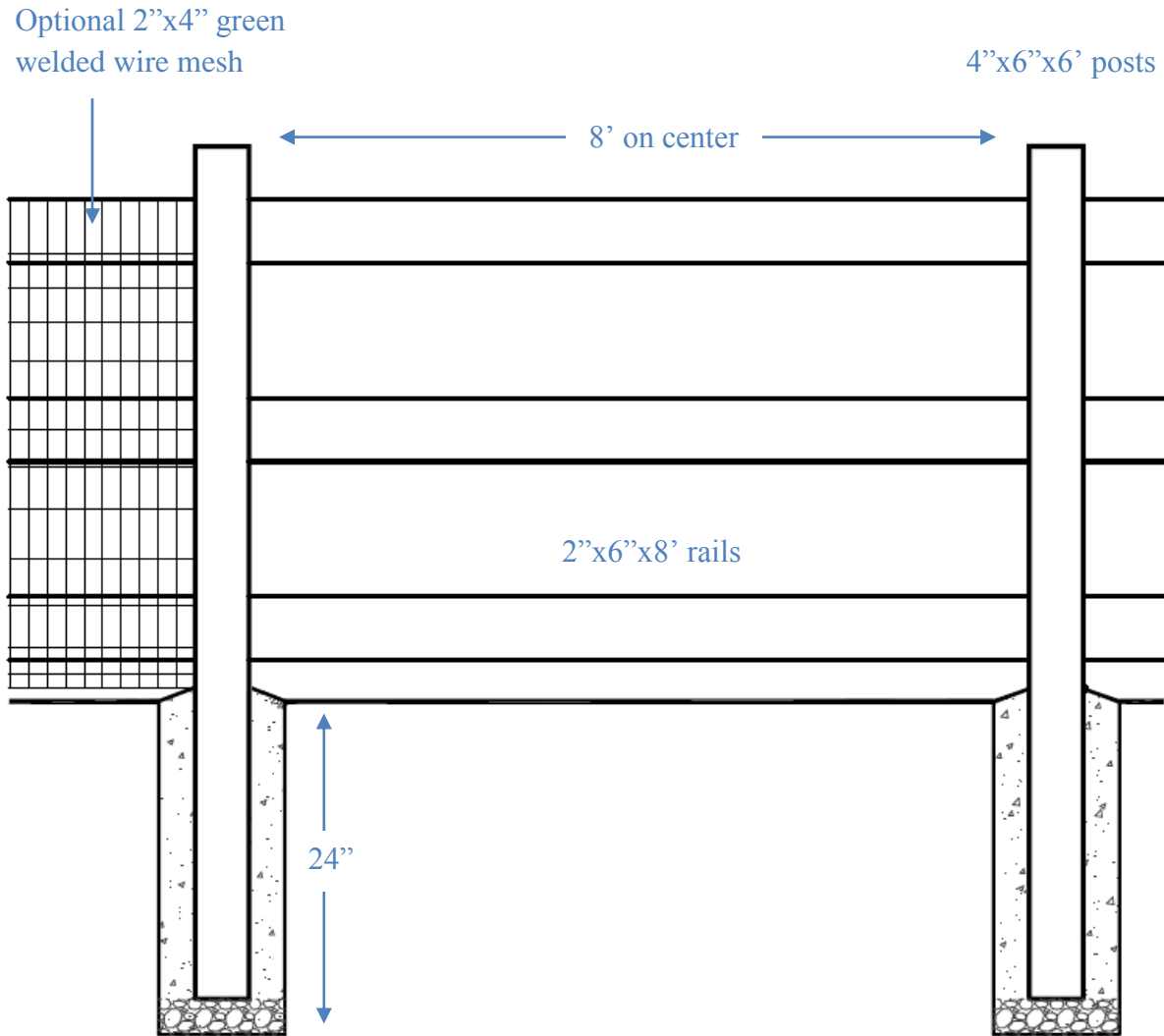
Parking shall only occur in garages, on driveways, and on streets (where permitted by law). Parking in rear or side yard areas is not permitted.

- sss. Water features Water features require prior DRC approval and will be evaluated on their individual merit, use, location on lot and appearance.
- ttt. Weather vanes Weather vanes require prior DRC approval and will be evaluated on their individual merit and appearance.
- uuu. Wind energy devices Wind energy devices require prior DRC approval and will be evaluated on their individual merit, use, location on lot and appearance.

See also Nuisances, lights, sounds and odors.

vvv. Windows	All windows shall be painted or stained wood, vinyl, composite or non-reflective metal framers and dividers. Reflective glass and reflective window tinting are not permitted.
www. Wildlife precautions	<p>Wildlife may be present in the Community, including but not limited to coyotes, foxes, rabbits, raccoons, skunks, and so forth. In order to minimize harmful interactions, homeowners shall:</p> <ul style="list-style-type: none"> <li>• Keep all pet food and pet food bowls inside;</li> <li>• Keep trash sealed and/or enclosed within the home; and</li> <li>• Never leave pets or children unsupervised outdoors.</li> </ul> <p>See also Pets.</p>
xxx. Wood storage	No wood piles or storage areas shall be so located as to be visible from a street, from the ground level of any Lot or from any Common Area. Firewood shall be neatly stacked and shall be located within a screened enclosure or other appropriate feature. Wood piles and enclosures may not exceed four (4) feet in height and sixteen (16) square feet in total area.
yyy. Yard sales	See Garage sales.

### Exhibit A: Fence Details



#### Additional notes:

- Rough sawn Cedar materials.
- Fences may be left untreated or stained with a clear sealer.

## ***Exhibit B: Recommended Plant List***

### Deciduous Shade Trees

American Linden  
Black Walnut  
Catalpa  
Common Horsechestnut  
European Larch  
Ginkgo  
Hackberry  
Japanese Pagoda Tree  
Kentucky Coffee Tree  
Little Leaf Linden  
Norway Maple  
Bur Oak  
English Oak  
Ohio Buckeye  
Thornless Honeylocust

### Ornamental Trees

Amur Cork Tree  
Crabapple  
Eastern Red Bud  
Ornamental Pear  
Goldenrain Tree  
Hawthorn  
Japanese Tree Lilac  
Plum  
Cherry  
Serviceberry

### Evergreen (Small)

Bosnian Pine  
Bristlecone Pine

Fat Albert Pine  
Norway Spruce  
Pinyon Pine  
Eastern Arborvitae  
Tannenbaum

### Evergreen (Large)

White Fir

### Shrubs

Leadplant  
Sage species  
Saltbrush  
Peashrub species  
Winterfat  
Fernbush  
Rabbitbrush species  
Cliff Rose  
Apache Plume  
Cliff Fendlerbrus  
New Mexican Privet  
Sea Buckthorn  
Rock Spirea  
Waxflower  
Spreading Juniper species  
Mountain Ninebark  
Nanking Cherry  
Pawnee Buttes Sandcherry  
Smith's Buckthorn  
Sumac species  
Currant species  
Woods Rose  
Thimbleberry  
Silver Buffaloberry

***Exhibit C: DRC Submittal Form***

(attached on the next page)



# JACOBY FARM METROPOLITAN DISTRICT

## DESIGN REVIEW COMMITTEE SUBMITTAL FORM FOR IMPROVEMENTS

### Property Information

Owner Name: \_\_\_\_\_ Lot No.: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address (if different than above): \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

- Initial Landscape Submittals require a \$40.00 Review Fee. Please make checks payable to Centennial Consulting Group, LLC.
- All requests *must* conform to the submittal requirements of the Protective Covenants and Easements and Design Guidelines for Jacoby Farm Metropolitan District.
- Proposed improvements (including additions, landscaping, fencing, play structures, and other improvements) **must include a site plan clearly illustrating the proposed improvement(s).**
- Please submit to Jacoby Farm Metropolitan District, c/o Centennial Consulting Group, LLC, 2619 Canton Court, Suite A, Fort Collins, CO 80525, (970) 484-0101, Fax (970) 300-1042, Email [Jacoby@ccgcolorado.com](mailto:Jacoby@ccgcolorado.com)
- Site plan, construction plans, landscape plans, and/or drawings must be submitted.
- Please provide dimensions, materials, colors, etc. being used for your improvement
- Additional photo or image support must be submitted if applicable.
- **Incomplete submittals will not be considered & will be returned for completion.**

Planned Completion Date: \_\_\_\_\_

Description of Improvements: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

By signing below, I agree to receive approval from the DRC before proceeding with any proposed improvements. DRC approval is limited to the attached submittal. Any changes will require that such changes be submitted to the DRC for approval. DRC approval does not constitute legal opinion. All improvements shall be completed in accordance with the laws and codes of Town of Windsor, Weld County, or the State of Colorado, and I agree to obtain the proper permits. Neither the DRC nor Jacoby Farm Metropolitan District is responsible for evaluating the safety or soundness of the construction design, materials, or methods proposed. I agree to consult with an architect, engineer, surveyor, and/or hydrologist as necessary to review my proposed improvement. I further understand that I am responsible for the timely completion of the proposed improvements as approved.

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

### FOR DRC USE ONLY

Approved \_\_\_\_\_ Approved subject to conditions \_\_\_\_\_ Denied \_\_\_\_\_

Comments/Conditions: \_\_\_\_\_

\_\_\_\_\_

Date Received \_\_\_\_\_ DRC Signature \_\_\_\_\_ Date \_\_\_\_\_