

9. ARCHITECTURAL DESIGN AND REQUIREMENTS: In addition to the other requirements hereof, the following pertain:

A. ACC approval required: No building, accessory building, structure, walls, gates, hedges, fences, mailboxes, driveways, windbreaks, swimming pools, flagpoles, windmills, wind generators, water tanks, gas tanks, exterior lighting or other improvements shall be commenced, erected, converted, placed, added to, maintained or altered on any lot until the construction plans and specifications, to include design, height, material and color samples to be used, and a site plan showing the exact location of the structure(s), have been approved by the ACC in writing as to quality of workmanship and materials, harmony of external design with existing structure(s), location with respect to other structures planned, height, and as to topography and finished grade elevation. This requirement applies both to new construction and to subsequent changes, additions, repainting and major repairs or renovations. No construction of any such improvement shall be commenced until ACC approvals required by these covenants are obtained.

B. Facing/Siding: A minimum of approximately twenty-five percent (25%) of the exterior of the front of any dwelling shall be of masonry construction (e.g., brick, stone, stucco, or other material approved by the ACC) which is different from the primary exterior material. Exposed concrete on any structure shall be stuccoed, or covered with brick, stone, or other material meeting the approval of the ACC. Natural wood siding must be painted, not stained. Wood panel siding, such as T-111, plywood or Pelican board, and masonite or similar composition siding is not permitted. Concrete lap siding, such as Hardi-Plank is acceptable. Non-combustible exterior materials are recommended for building exteriors.

C. Color: Structural color schemes shall be compatible with the natural environment of the subdivision. **Subdued, unobtrusive natural or earth colors to blend with the background will normally be required, and color samples must be submitted with plans.** White, blue and yellow homes are generally not permitted, so buyers contemplating exterior colors in these shades should seek ACC approval prior to purchasing their lots or building their house.

D. Chimneys: Spark arrestors shall be required on all chimneys, and open fires in Highland Park are prohibited.

E. Roofing: Roof materials and color shall be consistent with the architecture, color, and exterior materials of any structure. Concrete or clay tile, slate, standing seam metal, and minimum 40 year warranty, 365 pound variety "random-cut" or other heavy dimensional composition shingles are permitted subject to approval by the ACC. Wood shake, T-Lok and 3-tab composition and cedar-shake shingles are not permitted.

F. Overhangs: The overhang (eave) of the roof on a structure shall normally be at least eighteen (18) inches. Depending on style, larger overhangs are often desirable to keep moisture from rain and snow away from walls and windows, as well as to enhance appearance and value. Depending on architectural style, the ACC has the discretion to approve or disapprove overhangs of other widths. Soffit and eave

vents should be placed close to the roof line, rather than near the wall, to reduce fire danger.

G. Roof mounted features: Roof mounted solar collectors, skylights and other unusual or energy conservation features should be custom designed and must be approved by the ACC. Roof mounted solar collectors shall match the slope of the roof to which they are attached.

H. Energy features: Energy efficiency is encouraged through well sealed and insulated construction and the use of passive solar design techniques. Solar collectors shall be located or screened so that reflections do not unreasonably defeat the intent of these covenants to maintain a natural environment. Wind-powered electrical generators are prohibited. Amended by Energy Device Policy 2010

I. Unusual designs: Homes of unusual design may or may not be approved depending upon location and appearance, it being the intent of these covenants to establish an area of quiet, unobtrusive dignity and quality consistent with other homes in Highland Park.

J. Materials: All materials used in the construction, alteration or remodeling of any building shall be new and of good quality and design. Used materials of good quality may be used, provided they are first approved in writing by the ACC.

K. Driveways: Driveways must be of concrete or paved with asphalt between the home and property line. Asphalt paving is required between the public road and the property line. Driveways must be maintained in good condition.

In addition to obtaining approval from the ACC, owners must obtain a written driveway permit from the El Paso County Department of Public Works prior to connection of any driveway to a public road. Owners of lots are advised that the County has no responsibility for and will not snowplow or otherwise maintain driveways; such responsibility is solely that of the lot owner. Each driveway shall be clearly marked with address numbers made of brass, other metal, or ceramic, which shall be at least five inches (5") in height (or greater if required by the fire department regulations) and mounted on the standardized 42" (3½ ft) 6" x 6" treated and capped posts [see par. 10.B.(3)].

Driveway culverts shall be of corrugated metal and shall be at least eighteen (18) inches in diameter and twenty (20) feet long. Metal flared end extensions (vortex ends) with additional stone, rock, brick or other masonry treatment are required on all driveway culverts. Concrete or masonry headwalls also are desirable to prevent erosion and bent and exposed ends of culvert pipes and a consequently unattractive approach to a home. Driveway pilasters, if used, will be set on the house side of driveway culverts on private property and lights, if any, will be incorporated into them (as opposed to being mounted on top). Plans submitted to the ACC must include the manner in which the driveway shall be constructed, and **approval must be obtained from the ACC prior to any construction.**

L. Mailboxes: The Postal Service requires the use of centralized box units (CBU's), placed in various locations around Highland Park for the convenience of residents. Easements for the CBU and any adjoining parcel locker, as well as ingress and egress to the box by postal patrons and the mail carrier, are implied and exist on those lots adjacent to where the units are placed now or in the future. Plastic or other newspaper boxes are prohibited and are subject to removal by the ACC or HPA.

M. Fences and Antennas:

(1) Fences: Limited areas of total fencing will be permitted. Hedges may also be planted to enhance privacy. Unstripped bark posts and rails,

chain link and chicken wire fencing within the subdivision are prohibited. For purposes of pet control, underground electric fences, such as the Invisible Fence, are encouraged. Cedar split rail fencing and vinyl fencing in other than white color, which does not require painting (with or without a welded wire inside lining for containing pets) are recommended. Limited areas of privacy fencing, not to exceed six feet in height and up to approximately four hundred (400) square feet in area for purposes of screening small areas such as outside hot tubs will be acceptable. Other types of fencing, and reasonable size variances may be permitted in the sole discretion of the ACC.

Perimeter lot fencing is prohibited, and any fencing constructed shall be located to the rear of any dwelling. Existing fencing on the boundary of Highland Park shall not be removed, but may be replaced by new fencing and/or reset to conform to staked property lines. Accuracy of boundary fences is not assured. Neither Declarant, ACC, nor HPA shall be responsible for or defend against adverse possession suits based on survey differences between adjoining properties. **Fences must be approved in writing by the ACC prior to construction thereof. (See also paragraph 4.).**

These covenants do not preclude the erection of some manner of noise barrier fencing along the Briargate Parkway right-of-way under the following conditions:

- a) Briargate Parkway is actually completed and placed into service as a through road. Owners of lots fronting Briargate Parkway and Braemer Lane realize that El Paso County owns those rights of way.
- b) The barrier is constructed along all lots fronting the right of way at the same time (not built piecemeal).

(2) Antennas: Attic antennas inside the house (as opposed to roof antennas) are effective, are less vulnerable to damage and are encouraged. Tall or otherwise prominent and visible antennas are prohibited. Outside antennas may not be higher than the highest point of the roof line. Satellite dish antennas should be located in areas where they will be unobtrusive, and shall be painted if necessary and screened to blend in with the natural environment; they must be approved in writing by the ACC prior to installation. Satellite or wireless cable dishes shall be no larger than twenty-four (24) inches in diameter, unless larger dishes are required pursuant to FCC regulations regarding satellite and wireless cable antennas.

N. Lighting: Outdoor lighting will be permitted to the extent it does not create a visual nuisance to neighboring property. Outdoor lights will be focused. Lighted entry pylon and/or driveway lights will be of a type that can be turned on and off by the property owner, and sited so as not to annoy nearby lot owners. Such lights shall be turned off when not needed, and shall not be left on all night.

O. Tree Planting: Owners shall plant and maintain on their lot a minimum of five (5) trees of at least five feet in height, and at least ten (10) other trees (which may be saplings) of at least three feet in height, for a total of fifteen (15) trees, within one year after occupying any residence. If not so planted, the ACC or HPA may have such planting done at the expense of the lot owner, and may recover its cost as set forth in paragraph 26.C.

P. Roundabouts: The roundabouts are part of the road system dedicated to the County which requires their maintenance to be the responsibility of the lot owner; consequently, the HPA shall be responsible for all plantings on and maintenance of the roundabouts and for any necessary coordination with the Department of Transportation (DOT) of El Paso County.