

**RESOLUTION OF THE
BOARD OF DIRECTORS OF
STC METROPOLITAN DISTRICT NO. 2**

**A RESOLUTION ADOPTING THE THIRD AMENDED AND RESTATED
SUPERIOR TOWN CENTER RULES, REGULATIONS AND DESIGN GUIDELINES**

At a special meeting of the Board of Directors of the STC Metropolitan District No. 2, Town of Superior, Boulder County, Colorado, held at 9:00 A.M., on Wednesday, November 3, 2021, via online meeting at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone at 1-253-215-8782, **Meeting ID:** 897 9736 4658, **Password:** 115782, at which a quorum was present, the following resolution (the "Resolution") was adopted:

WHEREAS, STC Metropolitan District No. 1 ("District No. 1"), STC Metropolitan District No. 2 ("District No. 2") and STC Metropolitan District No. 3 ("District No. 3") (each a "District" and, collectively, the "Districts") are quasi-municipal corporations and political subdivisions of the State of Colorado located in the Town of Superior (the "Town"), Boulder County (the "County"), Colorado; and

WHEREAS, the Districts were organized pursuant to Service Plans approved by the Town on May 13, 2013, as may be amended and/or modified from time to time ("Service Plans"); and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the Districts have the power "to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district"; and

WHEREAS, pursuant to Section 32-1-1001(1)(j)(I), C.R.S., the Districts have the power "to fix and from time to time to increase or decrease fees, rates, tolls, penalties or charges for services, programs, or facilities furnished by the special district"; and

WHEREAS, RC Superior, LLC, a Delaware limited liability company (the "Developer"), has caused to be recorded the Master Declaration of Covenants, Conditions and Restrictions, dated April 13, 2015, and recorded in the real property records of the County as Reception No. 3439339, as the same may be amended and/or modified from time to time (the "Original Declaration") and applicable to the real property within the Districts described in Exhibit A of the Original Declaration (the "Property"); and

WHEREAS, Aweida Properties, Inc., a Colorado corporation (the "Discovery Ridge Developer") has caused to be recorded the Declaration of Covenants, Conditions and Restrictions, dated November 22, 2019, and recorded in the real property records of the County as Reception No. 3750773, as the same may be amended and/or modified from time to time (the "Discovery Ridge Declaration" and, together with the Original Declaration, the "Declarations") and applicable to the property within the Districts described in Exhibit A of the Discovery Ridge Declaration; and

WHEREAS, the property encumbered by the Declarations either is, or is anticipated to be included within the boundaries of one of the Districts.

WHEREAS, the Declarations provide that one or more of the Districts shall enforce each of the provisions provided therein.

WHEREAS, Section 32-1-1004(8), C.R.S., authorizes the Districts to furnish covenant enforcement and design review services within the Districts if the declaration, rules and regulations, or similar document containing the covenants to be enforced for the area within the metropolitan district name the metropolitan district as the enforcement or design review entity; and

WHEREAS, pursuant to the Declarations, the Districts have the right to send demand letters and notices, to levy and collect fines, to negotiate, to settle, and to take any other actions with respect to any violation(s) or alleged violation(s) of the Declarations; and

WHEREAS, the Declarations provide for the Superior Town Center Rules, Regulations and Design Guidelines (the "Rules, Regulations and Guidelines") to be promulgated, amended, revised from time to time, administered and enforced by the Districts; and

WHEREAS, the Districts entered into that certain Facilities Funding, Construction and Operation Agreement (the "FFCOA"), dated January 1, 2015, pursuant to which the Districts agreed that District No. 2 is the Operating District responsible for all operations and maintenance services for the Districts; and

WHEREAS, the Districts entered into that certain Intergovernmental Agreement for Covenant Enforcement and Design Review (the "GIGA"), dated June 7, 2017, which may be amended from time to time, pursuant to which the Districts authorized District No. 2 to administer and enforce the Declarations and the Rules, Regulations and Guidelines for the Property; and

WHEREAS, the Boards of Directors for the Districts jointly adopted the IGA and acknowledged District No. 2's authority to administer and enforce the Declarations and the Rules, Regulations and Guidelines for the Property; and

WHEREAS, District No. 2 previously adopted Resolution 2017-06-01, Resolution 2018-04-01, Resolution 2019-05-01, and Resolution 2019-12-02 of the Board of Directors of Superior Town Center Metropolitan District No. 2 Adopting the Superior Town Center Rules, Regulations and Design Guidelines, which have been amended and restated (the "Second Amended and Restated Rules, Regulations and Design Guidelines"); and

WHEREAS, District No. 2 desires to replace the Second Amended and Restated Rules, Regulations and Design Guidelines; and

WHEREAS, District No. 2 desires to provide for the orderly and efficient enforcement of the Covenants by adopting the Third Amended and Restated Rules, Regulations and Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE STC METROPOLITAN DISTRICT NO. 2:

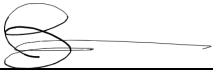
2. The Board of Directors of District No. 2 hereby adopts the Third Amended and Restated, Regulations and Design Guidelines as described in Exhibit A, attached hereto and incorporated herein by this reference.

3. The Board of Directors of District No. 2 declares that the Third Amended and Restated Rules, Regulations and Design Guidelines are effective as of this date of this Resolution.

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ADOPTED AND APPROVED THIS 3rd DAY OF NOVEMBER 2021.

STC METROPOLITAN DISTRICT NO. 3

By: 
James A. Brzostowicz, President

ATTEST:

By: 
Terry Willis, Assistant Secretary

EXHIBIT A

THIRD AMENDED AND RESTATED SUPERIOR TOWN CENTER RULES,
REGULATIONS AND DESIGN GUIDELINES

ADOPTED AND EFFECTIVE NOVEMBER 3, 2021
**THIRD AMENDED AND RESTATED
SUPERIOR TOWN CENTER
RESIDENTIAL RULES, REGULATIONS AND
DESIGN GUIDELINES
STC Metropolitan District No. 2**

The Board of Directors of STC Metropolitan District No. 2 (the "District")¹ adopted these Superior Town Center Rules, Regulations and Design Guidelines ("Guidelines") to be read in conjunction with the Master Declaration of Covenants, Conditions and Restrictions for Superior Town Center ("Declaration") and Declaration of Covenants, Conditions and Restrictions for Discovery Ridge at Superior Town Center ("Discovery Ridge Declaration")(collectively, the "Declarations") and to give direction to Owners and residents before the construction, installation, erection, or alteration of any structure, facility and appurtenance of any kind located on any Residential Lot within Superior Town Center is made.

This Third Amended and Restated document replaces, in full, previous Guidelines.

This document incorporates the following:

- Superior Town Center Residential Rules, Regulations and Design Guidelines (adopted June 7, 2017, Resolution No. 2017-0601 (replaced and Superseded)
- Document History:
- First Amendment to the Superior Town Center Residential Rules, Regulations and Design Guidelines (adopted April 4, 2018, Resolution No. 2018-04-01) (Replaced and Superseded)
 - First Amended and Restated Superior Town Center Residential Rules, Regulations and Design Guidelines (adopted May 1, 2019, Resolution No. 2019-05-01) (Replaced and Superseded)
 - Second Amended and Restated Superior Town Center Rules, Regulations and Design Guidelines (adopted December 9, 2019, Resolution 2019-12-02) (Replaced and Superseded)

¹ Pursuant to that certain Intergovernmental Agreement Regarding Covenant Enforcement and Design Review Services, between the District, STC Metropolitan District No. 1 ("District No. 1"), and STC Metropolitan District No. 3 ("District No. 3") (collectively, the "Districts"), which may be amended from time to time, the Districts authorized and designated the Board of Directors of the District to exercise the powers of the Districts with respect to the provision of covenant enforcement and design review services, and therefore, District No. 1 and District No. 3 are also subject to these Guidelines.

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SECTION 1 INTRODUCTION AND BASES FOR GUIDELINES

1.01 Introduction.

These Guidelines have been adopted by the Board of Directors of the District to assist Residential Owners in the design and construction of home additions or alterations, and installation of Improvements within Property served by the District. These Guidelines provide Residential Owners with design direction so that any Improvements will be visually consistent and architecturally compatible with the overall community theme, in accordance with the Declarations recorded against the Property within the Superior Town Center community.

The purpose and intent of these Guidelines is to assure Residential Owners that proper standards of development and construction will be maintained for the benefit of all and have been adopted by the District pursuant to the Declarations.

The intent of the Declarations and these Guidelines is to create a neighborhood community of high quality development and construction in which the natural character of the area is preserved and maintained, and in which the construction of Improvements is visually consistent and architecturally compatible with the overall community theme. The general theme of the Superior Town Center community is a blend of "Contemporary", "19th Century Urban/Industrial", and "Craftsman" architectural forms.

The intent of these Guidelines is to establish a community that achieves harmony among homes and between each home and the surrounding landscape, yet allows individual identity to the home. The purpose and goals of these Guidelines are to:

- A. Assure compatibility and harmony of exterior color, materials and design so the exteriors of the structures are complementary and avoid negative contrast within the neighborhood.
- B. Relate proposed improvements to the natural features of the land and to the neighboring structures and other improvements.
- C. Maintain sustainable, diversified landscaping that is water efficient.
- D. Conform to the plans and overview of the Superior Town Center Documents.

1.02 Bases for Guidelines and Interpretation.

(a) Declarations. The Declarations govern all Properties within Superior Town Center. Copies of the Declarations are available at any time from the District. The Declarations are also recorded in the real property records of Boulder County, Colorado. Each Owner should review and become familiar with the Declarations. Nothing in these Guidelines supersedes or alters the provisions or requirements of the Declarations and, if there is any conflict or inconsistency between these Guidelines and the Declarations, the Declarations control.

(b) Governmental and Other Regulations. Use of Property and Improvements must comply with the applicable building codes or other governmental requirements and regulations.

Where the provisions of applicable federal, state, Boulder County and/or Town of Superior standards are more restrictive than the provisions of these Guidelines, such other more restrictive standards shall control.

(c) Variances. The DRC reserves the right to vary at any time from procedure or standards as established herein. The District reserves the right to amend, supplement or repeal these Guidelines at any time.

(d) Zoning Ordinance and Declarations. Additional standards and requirements are set forth in the Declarations, Plats, and the Superior Town Center Documents. Each Owner must read and become familiar with all such documents, thus avoiding violations of the standards and requirements set forth therein. Copies of the Plats and Superior Town Center Documents are available from the DRC.

SECTION 2 DEFINITIONS

Any term not defined herein shall have the same meaning as contained in Definitions section of the Declarations.

SECTION 3 PROCESSES FOR DESIGN REVIEW AND APPROVAL

3.01 Design Review Committee.

Article 5 of the Declarations provides for the creation of the Design Review Committee ("DRC"), which is responsible for: administrating the application of these Guidelines; review, approval or rejection of plans for proposed Improvements; and authorization of variances from these Guidelines.

3.02 Who Is Subject to These Guidelines?

Any Residential Owner and/or his/her contractor designing to undertake any modification, addition or alteration relative to any Improvement within the Property is responsible for complying with these Guidelines and initiating the review and obtaining the approvals required by these Guidelines before any such modification is undertaken.

Any additions to or alterations of Improvements after initial approval and installation will require submittal to and approval by the DRC. The DRC should be contacted with any submittal questions and the DRC will advise the applicant if DRC approval is required.

DESIGN REVIEW SUBMITTAL IS REQUIRED UNLESS EXPLICITLY STATED OTHERWISE IN THESE GUIDELINES - ANY IMPROVEMENT THAT DOES NOT COMPLY WITH THE DECLARATIONS AND THESE GUIDELINES SHALL NOT BE CONSTRUCTED, ERECTED, PLACED, ALTERED, PLANTED, APPLIED, INSTALLED OR MODIFIED UPON ANY RESIDENTIAL LOT, UNLESS OTHERWISE APPROVED BY THE DRC.

3.03 Design Review Requests.

(a) Design Review Instructions and Request Form. Design Review Request Instructions and a Design Review Request Form can be found under **Appendix I**. To make a request for design review, complete the Design Review Request Form and submit it with payment of the appropriate fee and all necessary back-up documents.

Design review requests can be made via US Mail or email to:

STC Metropolitan District No. 2
 141 Union Blvd., Suite 150
 Lakewood, CO 80228
 Phone Contact: 303- 987-0835

(b) Design Review Fee Schedule.

<u>Fee Description</u>	<u>Fee Amount</u>
Landscape Review and/or Fence Review	\$50
Paint Color Change	\$50
Main Building Addition, Addition of Accessory Building, Shed, Deck, Patio, Site Plan, Footprint (including Driveway) Review	\$100
All other items	\$50

Builders, as defined in the Declarations, are exempt from Design Review Fees.

THE DRC MAY MODIFY THE FEE SCHEDULE WITHOUT NOTICE.

Design Review Fees should be made in person or sent via US Mail to:

STC Metropolitan District No. 2
 141 Union Blvd., Suite 150
 Lakewood, CO 80228
 Phone Contact: 303-987-0835

(c) Action by DRC. The DRC shall review each request for approval and make a decision within sixty (60) days after the complete submission of plans, specifications and other materials and information, which the DRC may require in conjunction therewith. Any request for approval shall be deemed disapproved unless written approval is transmitted within sixty (60) days after the receipt by the DRC of all required fees and materials, except in the case of a request for approval of renewal energy devices which are deemed approved if not denied or returned for modifications within sixty (60) days.

(d) Required Documentation. All Improvements must be made in accordance with the Declarations, these Guidelines, and any applicable Town of Superior regulations and standards. Please review these referenced documents carefully, and make sure your plans comply with their requirements. Unless specifically exempt pursuant to these Guidelines, all Improvements must be approved by the DRC. Approval by the DRC does not excuse Owner from compliance with the Declarations, Superior Town Center Planned Development zoning, or other Town of Superior regulations and standards. It is the Owner's responsibility to properly apply for building permits and any other applicable government approvals.

(i) Building Plan (for Additions or Building Alterations). A Design Review Request for Additions or Building Alterations shall indicate for all buildings the following, drawn to scale:

- (1) Roof Plan: Pitch, valleys, hips, materials and overhang should be indicated.
- (2) Floor Plan: Main structures and all accessory structures including balconies, decks and square footage of each floor within the main building and square footage of each accessory out-building should be submitted.
- (3) Elevations: All exterior elevations with materials, dimensions, final and original grade lines and finished floor elevations should be clearly indicated.
- (4) Sections: Should include finish grade, finish floor and maximum roof height.

(ii) Site and Grade Plan (for Landscaping Improvements and Fencing). A Design Review Request for site and grade plans for landscaping Improvements and Fencing shall include a plot plan drawn to scale, showing in detail the location of main buildings on the lot. Show what you intend to accomplish. Indicate existing conditions as well as the proposed Improvements. For example, if you will be installing rock or bark mulch in planting beds, specify the type, color and size. If you are using edging, specify the type of edging. If you are installing a retaining wall, you must indicate how it will be constructed.

YOU MAY NOT ALTER THE DRAINAGE ON YOUR LOT.

The plot plan shall also include the following:

- (1) Legal description; north arrow; name, address and telephone number of owner.
- (2) Property lines.
- (3) Building envelope dimensions with envelope shown in relation to property lines.
- (4) Front, side and backyard dimensions to buildings from property lines.

- (5) Drives, parking areas and walkways.
- (6) Square footage of the building footprint for each building.
- (7) Topographic diagram of site in one foot (1') intervals showing existing contours and drainage courses and proposed changes to contours and drainage courses and cut/fill areas.
- (8) Location and elevation of access road and off-street parking lot design, if any, including ingress and egress points.
- (9) Location, elevation and square footage of other Improvements, such as swimming pools and patios.
- (10) Reference to adjoining properties, streets, utility and other easements, drainage courses and reference to buildings on adjoining properties and their uses.

3.04 Applicant Action Following Approval.

Following initial DRC approval, the applicant must complete the Improvement as promptly and diligently as possible, and then notify the DRC of the completion to request final approval. Further details of these requirements can be found in the Declarations.

SECTION 4 ENFORCEMENT.

4.01 Covenant Enforcement Committee.

Article 6 of the Declarations provides for the creation of the Covenant Enforcement Committee ("CEC"), which is responsible for the ministerial administration and enforcement of the Declarations and these Guidelines.

4.02 Violations.

Violations, as defined in the Declarations, shall be subject to the remedies specified in the Declarations and the Penalties outlined below.

4.03 Notice of Violations.

If the DRC and/or CEC determine that a Violation exists, a Notice of Violation will be sent by the DRC and/or CEC within thirty (30) days of the determination that a Violation is likely to or does exist. The Notice shall identify the particular circumstances or conditions of the Violation and the required action and time period to correct, remedy or remove the Violation. Notices of Violation sent pursuant to the Declarations shall also include the date, time, and place of a hearing, and will be sent no less than fifteen (15) days prior to the date of the hearing.

4.04 Class I Violation.

This Violation will be issued for an offense (in the sole discretion of the DRC and/or CEC) that can be corrected immediately, such as parking, trash, lighting, sound or odor violations. In most cases, Class I Violations will be required to be corrected within seven (7) days of the Notice of Violation or, if the Notice of Violation was sent pursuant to the Declarations, within the time period specified in the written finding issued by the DRC and/or CEC following a hearing.

4.05 Class II Violation.

This Violation will be issued for an offense (in the sole discretion of the DRC and/or CEC) that cannot be corrected immediately, and/or requires plans and specifications to be submitted to the DRC for approval prior to correction of the Violation. Class II Violations can include violations relating to landscaping, construction, and additions to, or modifications of, Improvements. In most cases, Class II Violations will be required to be corrected within thirty (30) days of the Notice of Violation, or if the Notice of Violation was sent pursuant to the Declarations, within the time period specified in the written finding issued by the DRC and/or CEC following a hearing.

4.06 Penalties.

Penalties will be assessed if a Property is not brought into compliance within the assigned timeframe listed on the Notice of Violation or, if applicable, in the written finding issued by the DRC and/or CEC following a hearing. Penalties for Violations will be assessed as follows, and any penalties not paid by the due date will be considered delinquent.

<u>Penalty Description</u>	<u>Penalty Amount</u>
First Offense	No penalty
Second Offense	Fee up to \$100
Third Offense	Fee up to \$250
Continuing Violation	Fee up to \$500 each day the Violation continues (each day constitutes a separate Violation)

4.07 Procedure for Hearing.

On the date and time of the hearing specified in the Notice of Violation sent pursuant to the Declarations, the DRC and/or CEC will hear and consider any information and evidence presented by the Owners and/or all other interested parties. No more than five (5) business days following the hearing, the DRC and/or CEC will make a finding that a Lot is either in compliance or that the Lot is in Violation, or continue the hearing to a date certain for the purpose of obtaining additional information. Upon determining a Violation exists, the DRC and/or CEC will issue a written finding of Violation, which will include a timeframe for correction, not to exceed forty-five (45) days. All decisions of the DRC and/or CEC shall be final.

SECTION 5 PRIVATE LANDSCAPE GUIDELINES AND REQUIREMENTS

Superior Town Center is a model community for planning and design integrity of structure and landscape. From the beginning of the project, the development team has focused on form and creativity through natural topography.

These Guidelines are not intended to hinder in any way unique designs or creative expression by the design professional or the Owner. By establishing requirements for site planning, these Guidelines ensure an overall cohesiveness to the community.

For a comprehensive list of landscape standards, please see the approved Superior Town Center Plant List found in Appendix B of the Superior Town Center Design Guidelines Supplement, approved by the Town of Superior (**Exhibit B** of these Guidelines), as same may be amended by the Town from time to time.

YOU MAY NOT ALTER THE DRAINAGE ON YOUR LOT.

5.01 Private Landscape Requirements.

(These Private Landscape Requirements apply to all ground area within private property lines. Please note not all units have formal front/backyards, and in this case, are not required to install/meet the below minimum standards. Any and all landscape installations/improvements or changes MUST be submitted and approved by the DRC.)

The below standards for private landscaping are minimum standards, which are required by the DRC for Design Review approval. The Owner is welcome to exceed these standards in the number of trees, bushes and amount of ground coverage. Please note that deviating dramatically from the below standards, or failure to meet these minimum requirements, could result in rejection of the Design Review Request by the DRC.

(a) There shall be a minimum of 100% ground coverage installed and maintained for erosion control in all yard areas. Ground coverage shall be turf, decking or other hardscape, or plant material, and nonvegetative turf grass is permitted in the backyard.

(b) There shall be at least one tree, which shall be from the approved Superior Town Center Plant List found in Appendix B of the Superior Town Center Design Guidelines Supplement, approved by the Town of Superior (**Exhibit B** of these Guidelines).

(c) All work and permitting shall be in accordance with the Town of Superior Zoning and Building Code.

(d) New retaining walls over two feet (2') in height are not permitted.

(e) Berms must have less than a 3:1 slope with the soil stabilized by planting ground cover or rock mulch to prevent runoff and erosion. All soil should be re-seeded by the start of the next planting season. No part of the site is to be left barren.

(f) Any raised planter or garden box may not exceed two feet (2') in height and may only be installed in the Backyard, which shall be defined by the area inside private property lines that is between the home and the Rear Property Line. Rear Property Line means the boundary of private property which is on the opposite side of the home as the front door.

YOU MAY NOT ALTER THE DRAINAGE ON YOUR LOT.

5.02 Drought Tolerant Planting.

DRC Approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, the design must be approved. This type of landscaping uses much less water than typical suburban residential landscape, but large areas of river rock or mulch will not necessarily be allowed in place of green, growing plant material.

5.03 Irrigation Requirements.

Irrigation systems shall be preinstalled by the builder. Any changes or additions shall be submitted for approval.

5.04 Maintenance Requirements.

Watering and fertilizing, weeding, pruning and tree wound dressing is required. All weed and insect control, which impacts drainage and soil quality, must include appropriate safety flags, and notices must be well-labeled at the time of application. Dead plant material must be removed or replaced within thirty (30) days.

5.05 Softscape Elements and Materials Requirements.

Softscape elements are comprised of deciduous and evergreen trees, shrubs and ground covers. Vines, lawns, flowers, perennials grasses and wild flowers, in quality and quantity and size at time of planting, shall be chosen for form, color, environmental appropriateness, and seasonal variety and must be installed per industry standards.

5.06 Timing for Landscaping Improvements.

Landscaping Improvements are required to be installed within the first growing season in effect after acquisition of title to the initial homeowner. If the acquisition occurs between the months of October and March, landscaping will be installed in the subsequent spring following such acquisition. The deadline for the spring installation will be June 1. Please ensure submittal of your landscaping plans will allow for the review period of up-to sixty (60) days for approval, taking into consideration your specific conditions as it relates to the installation deadline. Though a Design Review Request may have been submitted, if it has not been approved and the installation completed by the Declarations' deadline, the property may receive a Notice of Violation.

5.07 Trees and Shrubs.

(a) Canopy, shade trees, and ornamental trees: Two inch (2") caliper minimum.

- (b) All coniferous trees: Four foot (4') minimum height.
- (c) Ornamental and multi-stem trees: Minimum ten foot (10') height.
- (d) Shrubs must be no smaller than two (2)-gallon container size.

Larger trees are recommended and may be used, as they are visually more desirable.

5.08 Views and Screening.

Selection of materials to enhance views from each side is critical. Control should be taken to not mask own views and views of neighbors. Views of entries to properties, privacy screens and less desirable areas must be taken into account in landscape design via masking with plantings and appropriate design measures. The DRC may require specific placement of trees and/or shrubs as necessary to protect view corridors.

SECTION 6 FENCING GUIDELINES

Any additions or modifications to fencing shall be submitted for approval. Approved backyard (as defined in Section 5.01 (f)) and side yard fencing, if provided, shall be:

- (a) Minimum height: four feet (4').
- (b) Maximum height: six feet (6').
- (c) Post sizes permitted are: 4x4, 4x6 or 6x6.
- (d) Wing fencing is fencing between two houses as seen from the street. The minimum setback for wing fencing, from front of house to back, shall be six feet (6').
- (e) One three foot (3') gate to open space is permitted.
- (f) Gate feature permitted up to eight feet (8') in height by four feet (4') in width.
- (g) Fencing on lot adjacent to a lot must be on your own property, unless there is an agreement with adjoining property owner.
- (h) Finished side of fence should face the street (or away from your house).
- (i) Only natural wood, vertical privacy fencing with top and bottom rail permitted (Examples 1, 2, or 3 on **Exhibit A**), or wrought iron or wire mesh with wood structure permitted (Examples 4 or 5 on **Exhibit A**) for fences adjacent to open space only. **Exhibit A** shall be followed.
- (j) Fences must be treated with clear waterproof stain or natural stain.
- (k) Any new materials added to existing fencing shall be stained to match existing fencing.

- (l) No chain link or vinyl fencing.

FRONT YARD FENCING IS NOT PERMITTED EXCEPT BY REVIEW AND APPROVAL OF DRC.

THERE SHALL BE NO FENCE CONSTRUCTED ON ANY LOT THAT HAS LESS THAN FOUR FEET (4') OF CLEARANCE TO ANY OTHER PERMANENT STRUCTURE.

SECTION 7 SPECIFIC TYPES OF IMPROVEMENTS - GUIDELINES

7.01 Accessory and Shed Structures.

All accessory and shed structures REQUIRE SUBMITTAL and approval by the DRC. Structures shall be architecturally compatible with the dwelling. Structures must be screened from street view behind a six-foot (6') backyard (as defined in Section 5.01 (f)) wood perimeter fence (Examples 1, 2, or 3 on Exhibit A). No chickens or chicken enclosures/buildings are permitted.

(a) Sheds must be located in the backyard or side yard, and screened from street view behind a six-foot (6') wood perimeter fence (Examples 1, 2, or 3 on Exhibit A). Structures must have a setback of a minimum of five feet (5') from property lines.

(b) Massing and scale, as well as forms, roof pitch, materials, colors, and other detailing must be coordinated with the primary residence on the site (e.g., wood materials painted to match the primary residence).

(c) No metal sheds will be permitted.

(d) Plastic sheds will be permitted for structures five feet (5') or less in height; screened from street view behind a six-foot (6') wood perimeter fence (Examples 1, 2, or 3 on Exhibit A). All structures above five feet (5') in height, and not screened, must be constructed of wood.

(e) In all cases, structures must comply with Town of Superior requirements and permits; must be constructed within the building envelope on a level concrete pad; must not alter drainage patterns of the Site, must not exceed eight feet (8') by ten feet (10') in size (or other configuration not to exceed 80 square feet), and must not exceed seven feet (7') in height at its highest point.

7.02 Air Conditioners.

Air conditioning units DO NOT require submittal and approval by the DRC if the following criteria are met:

(a) Air conditioning units must comply with the requirements of the Declarations.

(b) Air conditioning units must be incorporated into the main building or with other detached structures, and be architecturally compatible (including color) with the residence.

(c) Air conditioning units must be ground mounted and screened from street view by a wing fence or appropriate plantings. If screened from view by a wing fence, the fence must be a minimum of four feet (4') tall.

(d) Units will not be permitted on rooftops or in front of residences, unless installed by original home builder.

(e) If in a window, only flush mount units will be permitted.

(f) All air conditioners must be located as far from the front and side property lines as reasonably possible.

Swamp coolers are permitted so long as they comply with the criteria in this section.

7.03 Antennas/Satellite Dishes.

All satellite and antenna equipment must comply with **Appendix II** of these Guidelines.

7.04 Architectural Elements.

The home site plans and elevations are intended to incorporate specific architectural elements which are consistent with the overall development of Superior Town Center neighborhoods. All modifications to these or any structural elements require DRC review and approval.

7.05 Basketball Backboards.

All basketball backboards are subject to approval by the DRC. Standard size backboards may be approved if erected upon the roof fascia of a garage structure and painted to match the structure. Any free standing boards or boards attached to side of house or side of garage require submittal to and approval by the DRC.

7.06 Building Height Limit.

Building height shall be maintained at original builder height.

7.07 Decks, Patios, and Walkways/Paths.

Decks, patios, and walkways/paths DO NOT require approval by the DRC if the following criteria are met:

(a) A deck, patio, walkway/path shall be located in the backyard (as defined in Section 5.01 (f)).

(b) Decks, patios, walkway/paths may be constructed of stone, rock, concrete, wood or any other hardscape material as long as the surface does not exceed eighteen inches (18") above finish grade and decking is not proposed to cover more than 50% of the private backyard area.

(c) Deck and railings, if made of wood material, shall be treated to match fence or home color.

(d) Considerations shall be taken for the location and size of all decks so as not to obstruct the view from adjacent lots.

Decks and patios exceeding eighteen inches (18") above finish grade or exceeding 50% of the backyard area require submittal to the DRC and are considered an "Addition" for the required Design Review Fee due upon submission.

7.08 Elevation Treatments.

Architectural design shall incorporate a consistent level of style and architectural interest on all elevations.

7.09 Enclosures, Shelters, and Dog Runs.

Pet/dog enclosures, houses, shelters, and runs DO NOT require submittal to and approval by the DRC if the following requirements are met:

(a) Pet/dog enclosures, houses, shelters or runs are not permitted in front yards.

(b) Pet/dog enclosure, house, shelter or run shall be screened from street view behind a six foot (6') backyard (as defined in Section 5.01 (f)) wood perimeter fence (Examples 1, 2, or 3 on Exhibit A).

(c) Pet/dog houses and shelters shall be painted to match house colors, or if wooden, must be sealed to match fencing.

(d) Pet/dog enclosure, house, shelter, or run shall not exceed four feet (4') in height.

(e) Dog runs shall be maintained at a reasonable and acceptable level of cleanliness.

(f) 100% ground coverage shall be maintained in the backyard as required under Section 5, Private Landscape Guidelines and Requirements.

7.10 Exterior Colors and Materials.

The primary goal of the Guidelines with regard to exterior color and material is to encourage and promote a harmonious blend of color in Superior Town Center neighborhoods. Color combinations should tend to accentuate and contrast the architectural detail. Many times, trim and detail are a contrasting color from the body color. Bold, primary colors are discouraged as body colors. Acceptable colors include neutralized shades of green, gray, blue, sand, soft reds, warm terra cotta, taupes and browns. Other colors require DRC approval. Exterior color schemes must also comply with Appendix C of the Superior Town Center Design Guidelines Supplement, approved by the Town of Superior (Exhibit C of these Guidelines). Any other color schemes require DRC approval.

All projections, including, but not limited to, chimney flues, vents, gutters, down spouts, utility boxes, and porches, shall promote natural materials, and be white, black or dark gray in color, or brick, stone, natural copper, natural zinc, or natural stained wood only.

7.11 Exterior Lighting.

Exterior lighting, which is subdued and whose light source is not visible from adjoining dwellings, is permitted for purposes such as illuminating entrances, decks, driveways and parking areas. Driveway lights on poles or fascia-mounted floodlights are not permitted due to glare onto adjoining properties. Holiday lighting may be regulated by the Town of Superior Municipal Code. Garage lights on townhomes must remain on to light the alley, and therefore are exempt from this provision.

7.12 Exterior Mechanical Equipment.

All exterior mechanical equipment or tanks shall be either incorporated into the overall form of the dwelling or permanently enclosed by a material (other than plant material) and completely screened from street and internal courtyard view.

7.13 Foundations.

No more than twelve inches (12") of exposed concrete may be visible on any elevation.

7.14 Front Yard Improvements/Modifications.

Front yard improvements or modifications (aside from minor additions, which do not alter existing hardscape or softscape elements, such as planting flowers in existing beds) REQUIRE SUBMITTAL to and approval by the DRC. See also Section 5, Private Landscape Guidelines and Requirements.

7.15 Garages.

There shall be a minimum of one, and a maximum of four, fully enclosed garage spaces for each single family dwelling unit. Dimensions for each space shall meet the Town of Superior Municipal Code. It is the intent to minimize the visual impact of garage doors by such measures as, but not limited to, siting of the building, protective overhangs or projections, special door facing materials, landscaping or door design, which blends or enhances the overall architectural statement. Garages may not be converted into living spaces, and are to be used for vehicle parking ONLY and not as an extension of livable space.

7.16 Holiday Decorations and Flags/Flagpoles.

All holiday decorations and lighting may be displayed only on nationally-recognized holidays and shall not be placed earlier than thirty (30) days prior to the start of the holiday and shall be removed no later than thirty (30) days following the holiday.

DRC approval is required for any freestanding flagpole. All flag poles shall be constructed of a permanent material. DRC approval is not required for flagpoles mounted to the front of the residence. Under no circumstance may the height of the flagpole exceed the height of the roofline

of the residence. Flag size cannot exceed five feet (5') in length and three feet (3') in width. Flags and flagpoles shall be replaced as necessary in order to prevent wear and tear. Flags may not be illuminated without prior written approval of the DRC. Any request for lighting must detail the type and location of lighting. Lighting shall be placed so as not to disturb Owners of neighboring Lots.

An Owner or resident may display an additional flag on the inside of a window or door of the home on the Lot. The flag may not be larger than nine inches (9") by sixteen inches (16").

7.17 Home Selection Guidelines.

It is the intent of these Guidelines to not repeat any one detached single-family home design on two adjacent lots. Should a purchaser opt for a combination that includes a home concept on an adjacent lot already reserved with that home design, DRC approval is required. DRC approval may involve architectural modification to preserve individuality. The costs of such modifications shall be at the expense of the Owner requesting the duplication.

7.18 House Address Numbers.

Address numbers shall be used on the dwelling unit. The address number at the dwelling unit shall not exceed, in overall size, a total of ½ square foot for each number (i.e., a three number address shall not be greater than 1.5 square feet).

7.19 Parking Areas.

- Off drive parking bays or areas and circular driveways require submittal to, and approval by, the DRC.

The alleys behind the townhomes are designated 'Fire Lanes' and no parking is permitted at any time. This includes the aprons behind the garages. Any vehicles parked in the Fire Lanes are subject to ticketing from the Boulder County Sheriff's Department.

The only designated parking for the townhomes is in the garage of each unit. Parking spaces within the community are designated as visitor parking. Owners using those spaces instead of or in addition to their garage may be towed at the owner's expense. Visitors are not permitted to use the visitor spaces for more than 4 visits within a 7 day period, or any 3 consecutive days. In the event of snow, the visitor parking spaces may be used as snow storage.

7.20 Play Structures.

Play Structures DO NOT require approval by the DRC if the play structure is made of wood, located in the backyard (as defined in Section 5.01 (f)) and screened from street view behind a six foot (6') backyard wood perimeter fence (Examples 1, 2, or 3 on [Exhibit A](#)). Play Structures shall be setback a minimum of five feet (5') from property lines and are not allowed in front yards.

7.21 Rain Barrels.

Rain Barrels DO NOT require approval by the DRC if they comply with Colorado House Bill 16-1005, which allows for a maximum of two (2) rain barrels with a combined capacity of 110 gallons, including sealable lids and screens in order to prevent mosquito breeding and address concerns.

Rain Barrels shall be of a color and material complimentary to the surrounding architecture, and shall be fully screened from street and public view behind a six foot (6') backyard wood perimeter fence, or other appropriate screens/plantings per the discretion of the DRC.

7.22 Roof Slope.

Original roof slope and pitch shall be maintained.

7.23 Siding and Trim.

Exterior siding may be brick, wood, painted hardboard, cultured stone, stone, rock, stucco, shingle and composite (not natural wood). See Appendix C of the Superior Town Center Design Guidelines Supplement, approved by the Town of Superior (Exhibit C of these Guidelines) for examples of approved architectural colors and materials. Application shall be continuous and consistent on all elevations to achieve a uniform and complete design statement. Change in material/color should occur at internal (concave) corners only.

7.24 Signs.

DRC approval is not required for three (3) signs, ground staked or window mounted, one of which shall be no larger than five (5) square feet per sign face; one of which shall be no larger than three feet (3') by four feet (4'); and one of which shall be no larger than eight inches (8") by eight inches (8"). Such signs may be installed in the front yard or on the backyard fence of the Lot.

No lighted sign will be permitted unless utilized by the Developer and/or a Builder.

7.25 Site Considerations.

The DRC, or its appointed representative, will review each plan for a building in relation to the specific characteristics of the subject lot and its surroundings. The basic objective is to achieve compatibility of the building and other improvements with the subject lot and the immediate surroundings. The site consideration review is specific to the site itself. Location of the main buildings, and any proposed additions, should take into consideration the following:

- (a) Natural and proposed final grade contours.
- (b) Street grades as installed.
- (c) Presence of vegetation, trees and shrubs.
- (d) Existing and final views.
- (e) Privacy of subject and surrounding lots, including building improvements on adjoining lots.

- (f) Access driveways and off-street parking.
- (g) Setback requirements as defined by the Planned Development.

(h) Site grading and drainage, which minimize required natural grade alterations; drainage accommodation from adjoining lots in such a manner that does not cause soil erosion or impede drainage flows or result in excessive drainage onto adjacent lots.

7.26 Solar Energy Devices.

Approval is required in order to review aesthetic conditions. Photovoltaic (PV) Solar panels must lay flat on the roof, meet all applicable safety, building codes and electrical requirements, including solar panels for thermal systems (solar water heaters). The DRC is allowed to request changes as long as they do not significantly increase the cost by more than 10% or decrease the efficiency of the proposed device and panels by more than 10%.

7.27 Spas and at-grade Swimming Pools.

Spas (including saunas, hot tubs) and at-grade swimming pools DO NOT require submittal and approval by the DRC if the following criteria are met:

- (a) Spas and at-grade swimming pools shall be constructed with materials and colors that are harmonious with the architecture of the home.
- (b) Spas and at-grade swimming pools shall be designed as an integral part of any associated deck or patio.
- (c) Spas and at-grade swimming pools shall be located in the side or backyards and screened from street view by a six foot (6') privacy fence (Examples 1, 2, or 3 on **Exhibit A**).
- (d) Consideration must be given to potential noise impacts to neighboring properties.
- (e) Special attention must be given to the safety of private spas and swimming pools.
- (f) Any fencing determined to be necessary shall abide by all setbacks and fencing guidelines.
- (g) Above-grade swimming pools require DRC approval.

7.28 Storm Doors.

Storm doors DO NOT require submittal to and approval by the DRC if color of frame and handle match the color of the existing door or window frames and handles.

7.29 Sunshades.

The use of exterior sunshades (also referred to as awnings or shades) over the balcony requires DRC approval. Sunshades must be compatible with the architectural character of the home in terms of color (solid colors are required), material and design. If approved, awnings and sunshades

must be well-maintained. Frayed, torn or faded materials must be replaced in a timely manner. Non-fabric sunshades (such as aluminum, Fiberglass, bamboo or reed) are not permitted. Only manufactured sunshades are permitted; make-shift sunshades are not allowed.

- (a) Shades must run the entire length of the balcony or two of equal size mounted equal distance for the sides of the balcony.
- (b) Shades may be motorized or non-motorized.
- (c) Shades must be retracted when not in use.
- (d) Shades and mounting hardware must be rated for exterior use.
- (e) Shades must conform to the approved colors pursuant to **Exhibit C**.
- (f) Shades must be a minimum 80% ultraviolet ("UVC") blocking. (80% is the minimum for knitted fabrics and polyvinyl chloride ("PVC") fabrics.)
- (g) Shades must be solid color with no patterns, logos, or other distinguishing markings.
- (h) Shades must be inside mounted (prevents mounting bracket visibility outside of the unit, in other words, it cannot be mounted to the exterior of the unit)

7.30 Trampolines.

Trampolines DO NOT require submittal and approval by the DRC if the trampoline is less than ten feet (10') in height, located in the backyard and screened from street view behind a six foot (6') backyard wood perimeter fence (Examples 1, 2, or 3 on Exhibit A). Trampolines shall be setback a minimum of five feet (5') from property lines and are not allowed in front yards.

7.31 Trash/Garbage and Recycling Receptacles and Service.

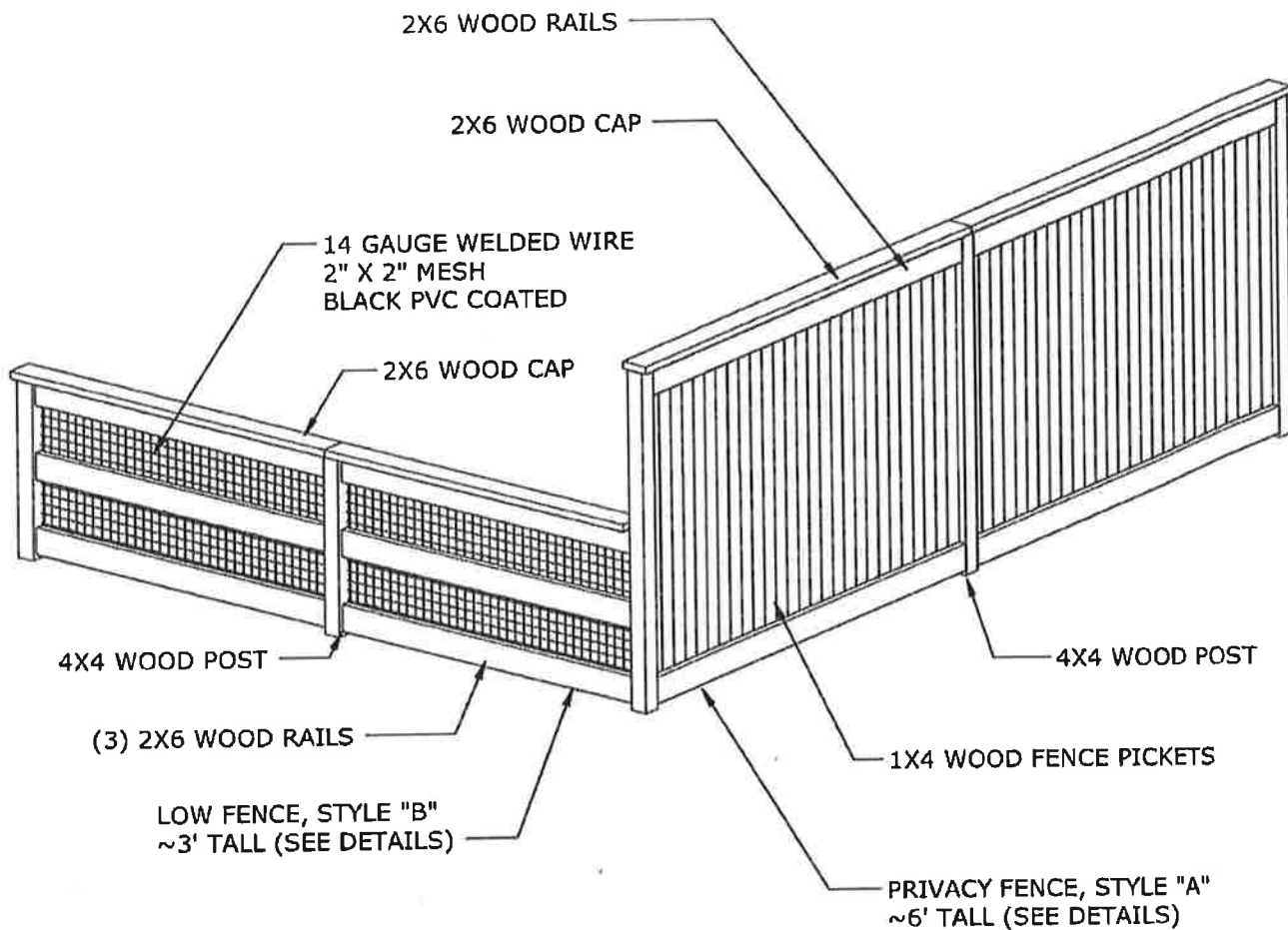
When not placed outside for the purposes of trash pick-up, trash receptacles shall be screened from street view, behind wing fencing, or enclosed in the garage or accessory building. All trash receptacles and storage enclosures shall be planned as a part of the total fencing and landscape design and may be subject to the DRC's approval.

The Trash/Garbage and Recycling service provider is Waste Connections, which has been contracted through the Town of Superior. This service is set-up and invoiced through your Town utility bill. Please see the Town of Superior website at <http://superiorcolorado.gov/services/trash-recycling> for more information and current prices, or contact the Superior Town Hall at (303) 499-3675.

7.32 Windows.

Window frames and appurtenances shall be approved by the DRC unless windows are replaced to match the original builder design. Window design shall be consistent with these Guidelines in size, proportions, detail and placement on the elevation.

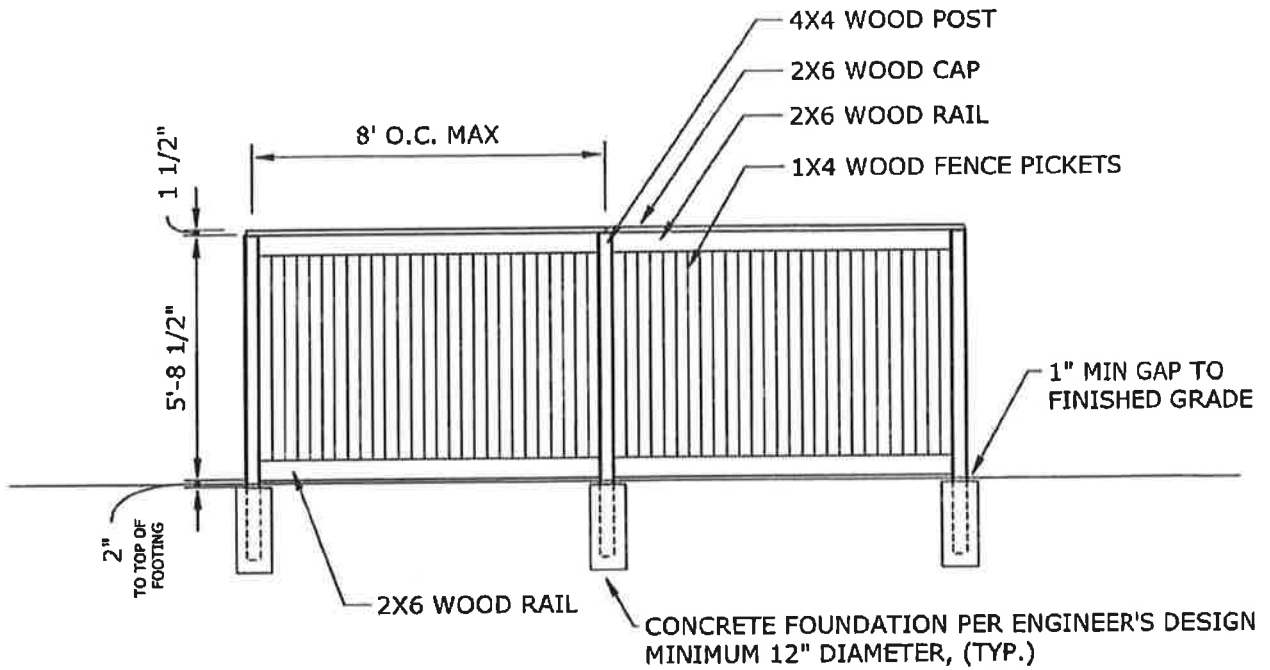
EXHIBIT A
FENCING EXAMPLES



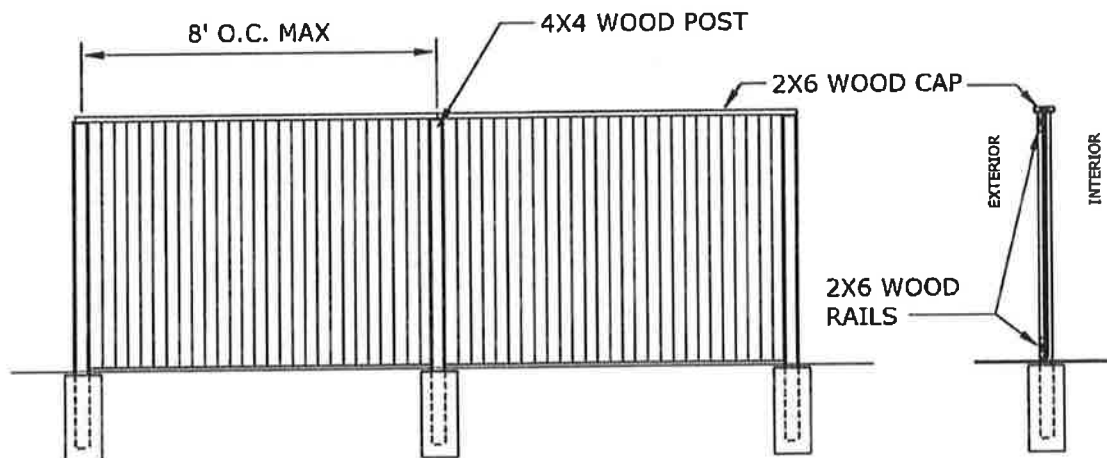
GENERAL NOTES:

1) ALL FENCE WOOD TO BE ROUGH MILLED CEDAR, AND FINISHED WITH EXTERIOR GRADE OIL-BASED TRANSPARENT WOOD STAIN, TWP 1501 "CEDARTONE" OR EQUAL. (OTHER STAIN COLORS MAY BE APPROVED BY THE DRC ON A CASE-BY-CASE BASIS.)

FENCE DIAGRAM (SEE ADDITIONAL DETAIL ON FOLLOWING SHEETS)



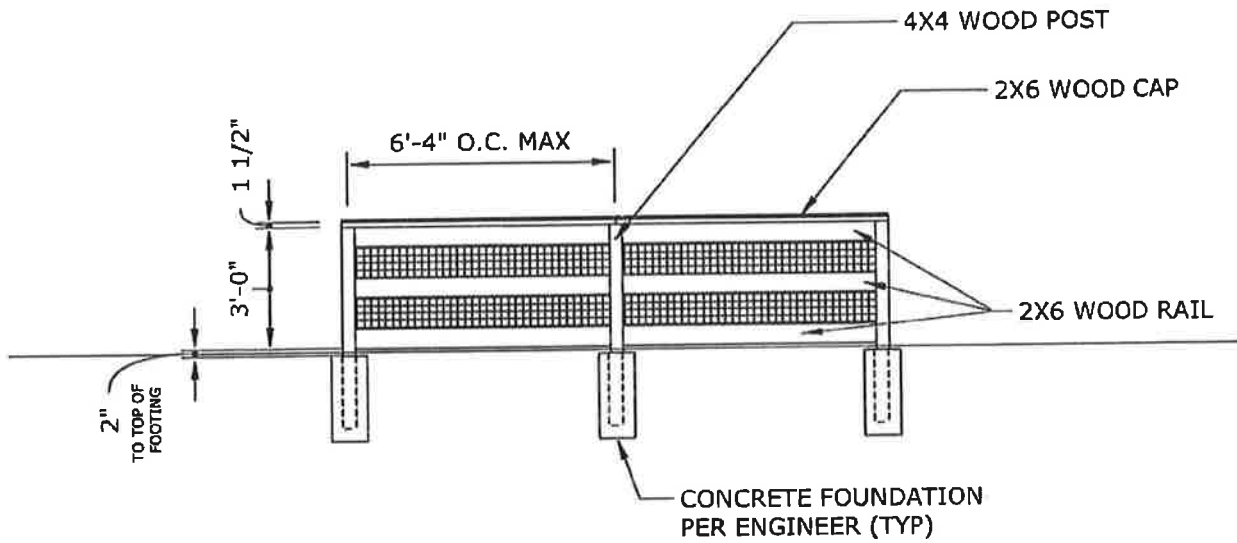
1	EXTERIOR ELEVATION (FACING PUBLIC)
A	Scale: 1/4" = 1'



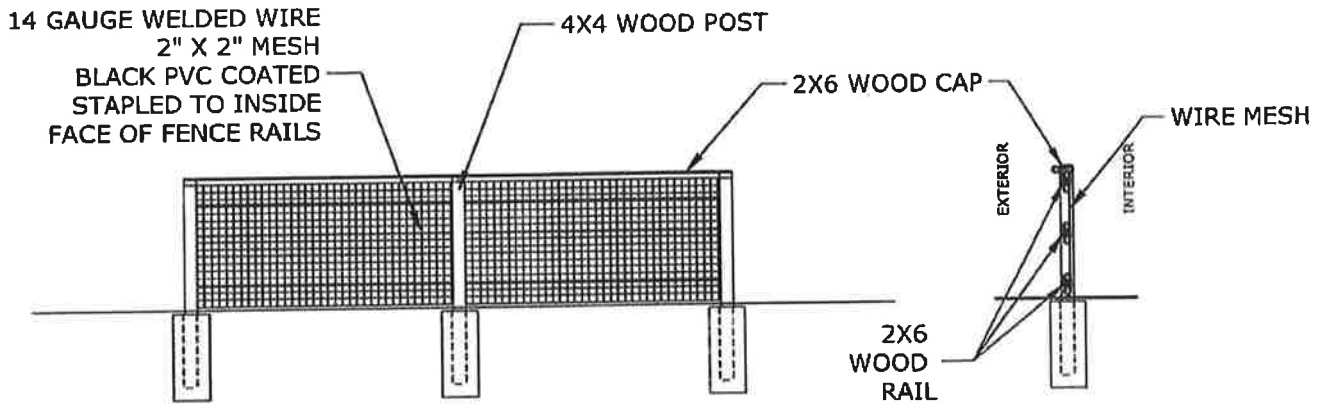
2	INTERIOR ELEVATION (FACING INSIDE PRIVATE LOT)
A	Scale: 1/4" = 1'

3	SECTION VIEW
A	Scale: 1/4" = 1'

FENCE TYPE A: 6' PRIVACY FENCE



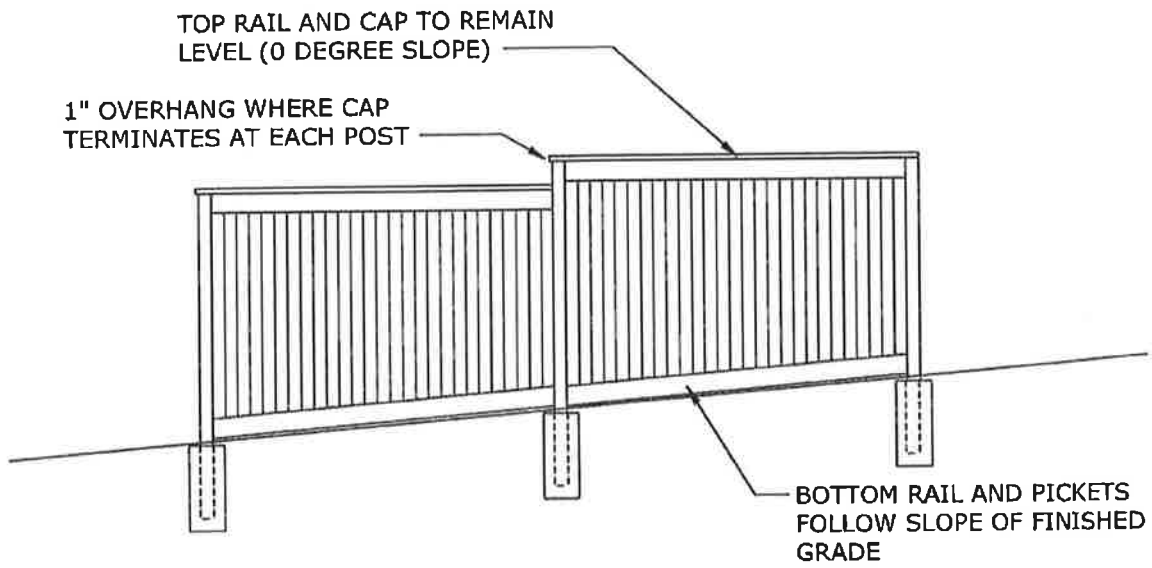
1	EXTERIOR ELEVATION (FACING PUBLIC)
B	scale: 1/4" = 1'



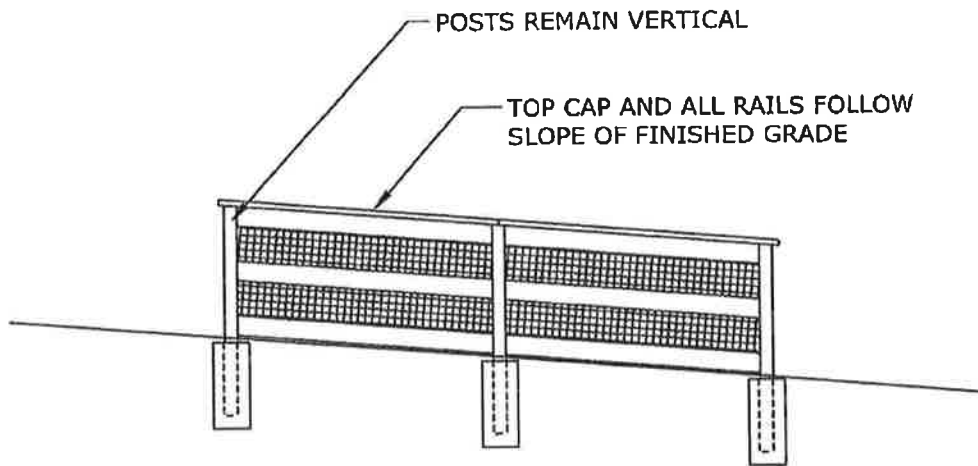
2	INTERIOR ELEVATION (FACING INTERIOR OF PRIVATE LOT)
B	scale: 1/2" = 1'

3	SECTION VIEW
B	scale: 1/4" = 1'

FENCE TYPE B: 3' VIEW FENCE



4	:: PRIVACY FENCE AT SLOPING LOT
A	scale: 1/4" = 1'



4	:: 3' VIEW FENCE AT SLOPING LOT
B	scale: 1/4" = 1'

FENCE DESIGN FOR SLOPED AREAS

EXHIBIT B
PLANT LISTS



APPENDIX B - LANDSCAPE PLANT LIST

B.1 LANDSCAPE STANDARDS

All landscaping will be in compliance with or exceed these Design Guidelines. If landscape requirements are not specified in these Design Guidelines, the Town of Superior Municipal Code and Standard Specifications apply.

Minimum plant sizes should be used as follows:

Deciduous Street Canopy Trees - 2.5" minimum trunk caliper and first branch height at 6'-0"

Open Space / Parking Lot Canopy Trees - 2 1/2" minimum trunk caliper

Evergreen Trees - 10' minimum height

Ornamental Trees - 2" minimum trunk caliper

Evergreen and Deciduous Shrubs - 5 gallon container minimum

Ornamental Grasses - 5 gallon container minimum where available / 1 gallon for varieties not available in 5 gallon containers

Perennials/Groundcovers - 1 gallon container minimum





B.2 RECOMMENDED STREET TREES

Because of the importance of trees to the STC urban landscape, a list of trees that are suitable for the streetscape landscape has been developed. These trees were selected from the Town of Superior's Recommend Plant List and the 2010 Front Range Tree List Recommendation List, which is a collaborative effort by a committee of Colorado municipal arborist, nurserymen, landscape architects, and State Extension office staff.

Recommended Street Trees

Scientific Name	Common Name
<i>Acer Platanoides</i> varieties	
- 'Deborah'	Deborah Maple
- 'Emerald Lustre'	Emerald Lustre Maple
- 'Royal Red'	Royal Red Maple
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Catalpa speciosa</i>	Western Catalpa
<i>Catalpa ovata</i>	Chinese Catalpa
<i>Celtis occidentalis</i>	Common Hackberry
<i>Gleditsia triacanthos</i> v. <i>inermis</i>	
- Imperial	Imperial Honeylocust
- Shademaster	Shademaster Honeylocust
- Skyline	Skyline Honeylocust
<i>Gymnocladus dioica</i>	Kentucky Coffeetree
<i>Pyrus calleryana</i> varieties	
- 'Canticleer'	Canticleer Pear
- 'Cleveland Select'	Cleveland Select Pear
- 'Redspire'	Redspire Pear
<i>Quercus alba</i> x <i>robur</i>	Crimson Spire Oak
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus muehlenbergii</i>	Chinkapin Oak
<i>Quercus robur</i>	English Oak
<i>Quercus robur</i> 'Fastigiata'	Columnar English Oak
<i>Quercus shumardii</i>	Shumard Oak



B.3 STREET TREES TO BE USED IN LIMITED NUMBERS

The following trees have typically performed well as street trees in Colorado, but should be used in limited quantities due to potential pest / disease problems or cultural limitations.

Ash Varieties: While Emerald Ash Bore (EAB) has not been found in Colorado, it is a serious problem in the Midwest. Ash should only be used in limited quantities as a precaution.

Scientific Name	Common Name
<i>Fraxinus americana</i> 'Autumn Purple'	Autumn Purple Ash
<i>Fraxinus pennsylvanica</i> 'Patmore'	Patmore Ash
<i>Fraxinus pennsylvanica</i> 'Marshalls'	Marshall Seedless Ash

Buckeye / Horsechestnut Varieties: Buckeye/ Horsechestnut (Ohio and Common) trees are excellent street trees that tolerate a wide variety of conditions and are very disease resistant. However, the fruit can be considered a nuisance in some urban settings.

Linden Varieties: Lindens are excellent street trees but should not be used in medians or along major arterial roads due to sensitivity to road salts. Recommended Lindens include:

Scientific Name	Common Name
<i>Tilia cordata</i> 'Greenspire'	Greenspire Linden
<i>Tilia x euchlora</i> 'Redmond'	Redmond Linden

Northern Red Oak (*Quercus rubra*): A fast growing, broad tree with good fall color, but can have problems with iron chlorosis in alkaline soils with a pH over 7.5.

An automatic irrigation system which employs drip ring emitters is required for all street trees.





Structural backfill soils such as “CU Structural” (as defined by the Urban Horticulture Institute, Cornell University) shall be used for all street trees planted in sidewalks or planters smaller than 50 SF.

B.4 OTHER RECOMMENDED DECIDUOUS TREES

The following trees are suitable for open space areas, parking lot islands, buffers, or other non-street tree applications. Trees listed in 1.1 and 1.2 above are also suitable for these applications.



Other Recommended Deciduous Trees

Scientific Name	Common Name
<i>Acer grandidentatum</i>	Bigtooth Maple
<i>Acer ginnala</i> 'Flame'	Flame Amur Maple
<i>Acer tataricum</i> 'Hot Wings'	Hot Wings Maple
<i>Amelanchier canadensis</i>	Shadblow Serviceberry
<i>Amelanchier x grandiflora</i> 'Autumn Brilliance'	Autumn Brilliance Serviceberry
<i>Cornus mas</i> 'Golden Glory'	Golden Glory Cornelian Cherry
<i>Crataegus crus-galli</i>	Cockspur Hawthorn
<i>Crataegus crus-galli</i> var. <i>inernis</i>	Thornless Cockspur Hawthorn
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Koelrueteria paniculata</i>	Golden Raintree
<i>Malus</i> sp. 'Brandywine'	Brandywine Crabapple
<i>Malus</i> sp. 'Indian Magic'	Indian Magic Crabapple
<i>Malus</i> sp. 'Radiant'	Radiant Crabapple
<i>Malus</i> sp. 'Spring Snow'	Spring Snow Crabapple
<i>Prunus cerasifera</i> 'Newport'	Newport Purple Leaf Plum
<i>Prunus americana</i>	Native Plum
<i>Prunus maackii</i>	Amur Chokecherry
<i>Prunus virginiana</i> 'Canada Red'	Canada Red Chokecherry
<i>Quercus gambelii</i>	Gambel Oak
<i>Syringa reticulata</i>	Japanese Tree Lilac

Note: Cottonwood trees may only be used in conjunction with a riparian corridor restoration plan for Coal Creek.



B.5 EVERGREEN TREES

Evergreen Trees

Scientific Name	Common Name
<i>Juniperus scopulorum</i>	Rocky Mountain Juniper
<i>Juniperus scopulorum</i> 'Wichita Blue'	Wichita Blue Upright Juniper
<i>Pinus edulis</i>	Pinyon Pine
<i>Pinus flexilis</i>	Limber Pine
<i>Pinus nigra</i>	Austrian Pine
<i>Pinus ponderosa</i>	Ponderosa Pine
<i>Pinus strobiformis</i>	Southwestern White Pine
<i>Picea pungens</i> 'Hoopsii'	Hoopsii Spruce
<i>Picea pungens glauca</i>	Colorado Blue Spruce



B.6 SHRUBS

Shrubs

Scientific Name	Common Name
<i>Amorpha canescens</i>	Leadplant
<i>Berberis thunbergii</i> 'Crimson Pygmy'	Crimson Pygmy Barberry
<i>Berberis thunbergii</i> 'Rose Glow'	Rose Glow Japanese Barberry
<i>Buddleia davidii</i> 'Pink Delight'	Pink Butterfly Bush
<i>Caryopteris x claud.</i> 'Dark Knight'	Dark Night Blue Mist Spirea
<i>Corneus sericea</i> 'Baileyi'	Bailey Redtwig Dogwood
<i>Cotoneaster lucidus</i>	Peking Cotoneaster
<i>Fallugia paradoxa</i>	Apache Plume
<i>Juniperus chinensis</i> 'Armstrong'	Armstrong Juniper
<i>Juniperus horizontalis</i> 'Icee Blue'	Icee Blue Juniper
<i>Juniperus sabina</i> 'Arcadia'	Arcadia Juniper
<i>Juniperus sabina</i> 'Scandia'	Scandia Juniper
<i>Pinus mugo</i> 'White Bud'	White Bud Mugo Pine
<i>Pinus mugo</i> 'Mops'	Miniature Mugo Pine
<i>Perovskia atriplicifolia</i>	Russian Sage
<i>Potentilla fruticosa</i> 'Gold Drop'	Gold Drop Potentilla
<i>Potentilla fruticosa</i> 'McKay's White'	McKay's White Potentilla
<i>Prunus besseyi</i>	Western Sandcherry





Shrubs (continued)

Scientific Name	Common Name
<i>Prunus besseyi</i> 'Pawnee Buttes'	Creeping Western Sandcherry
<i>Rosa</i> x 'Knock Out'	Knock Out Rose
<i>Rosa</i> x Meidiland Pink	Single Pink Shrub Rose
<i>Rosa</i> x Meidiland Scarlet	Meidiland Scarlet Rose
<i>Rosa</i> x Meidiland White	Double White Shrub
<i>Rosa</i> <i>Rhus trilobata</i>	Three Leaf Sumac
<i>Ribes aureum</i>	Gold Current
<i>Rosa woodsii</i>	Woods Rose
<i>Spiraea japonica</i> 'Neon Flash'	Neon Flash Spirea
<i>Syringa vulgaris</i> 'Charles Joly'	Double Red French Lilac
<i>Viburnum dentatum</i> 'Blue Muffin'	Blue Muffin Arrowwood
<i>Viburnum opulus</i> 'Compactum'	Compact European Cranberry Bush

Ornamental Grasses

Scientific Name	Common Name
<i>Calamagrostis acutiflora</i> 'Overdam'	Overdam Feather Reed
<i>Festuca glauca</i> 'Elijah Blue'	Elijah Blue Fescue Grass
<i>Helictotrichon sempervirens</i>	Blue Avena Grass
<i>Miscanthus sinensis</i> 'Gracillimus'	Maiden Grass
<i>Miscanthus sinensis</i> 'Purpurescens'	Purple Flame Maiden Grass
<i>Panicum virgatum</i> 'Heavy Metal'	Heavy Metal Switch Grass
<i>Panicum virgatum</i> 'Prairie Sky'	Prairie Sky Switch Grass
<i>Pennisetum alopecuroides</i> 'Cassian'	Cassian Fountain Grass
<i>Pennisetum alopecuroides</i> 'Hameln'	Dwarf Fountain Grass



B.7 PERENNIALS AND GROUND COVER

Perennials and Ground Cover

Scientific Name	Common Name
<i>Achillea</i> 'Moonshine'	Moonshine Yarrow
<i>Coreopsis verticillata</i> 'Moonbeam'	Moonbeam Coreopsis
<i>Delosperma floribundum</i> 'Star Burst'	Star Burst Ice Plant
<i>Echinacea purpurea</i>	Purple Cone Flower
<i>Gaillardia x grandiflora</i> 'Goblins'	Goblin Gaillardia
<i>Kniphofia</i> 'Corallina'	Torch Lily or Red Hot
<i>Lavendula angustifolia</i> 'Hidcote'	Deep Blue Lavender
<i>Lupinus</i> 'Russel Hybrids'	Mixed Lupine
<i>Leucantheum x superbum</i>	Shasta Daisy
<i>Nepeta x faassenii</i> 'Six Hills Giant'	Catmint
<i>Rudbeckia fulgida</i> 'Goldstrum'	Black-eyed Susan
<i>Sedum</i> 'Autumn Joy'	Autumn Joy Stonecrop
<i>Sedum spurium</i> 'Dragon's Blood'	Dragon's Blood Stonecrop
<i>Salvia nemorosa</i> 'May Night'	May Night Salvia
<i>Saponaria ocymoides</i>	Rock Soapwort
<i>Zauschneria californica latifolia</i>	Hummingbird Flower



B.8 IRRIGATION

An automatic irrigation system is required in all planted areas and shrub beds. Low water use irrigation practices and grouping plants by water use requirements is strongly recommended.

B.9 TURF AND NATIVE GRASSES

To reduce water usage, Texas Bluegrass Hybrid variety (rather than Kentucky Bluegrass or Fescue turf grass sod) is encouraged for use (with approval by Town Staff) in the developed open space areas within the Town Center site. Soil prep and installation of sod shall be per the Town of Superior's Standard Specifications. An efficient automatic irrigation system is required in all sodded areas.



Native grass seed mixes are to be used in open space areas that are not programmed for active recreation or expected to receive heavy foot traffic. Approved native seed mixes are provided by the Town of Superior Parks and Recreation Department. Approved mixes include:

The Town's Standard Native Seed Mix
Rock Creek Native Irrigated Seed Mix
Rock Creek Native Dryland Seed Mix

An automatic irrigation system is required in all sodded and seeded areas, unless a non-irrigated dryland native seed mix is approved by the Town. Soil prep and installation of native seed mixes shall be per the Town of Superior's Standard Specifications.

B.10 PROHIBITED PLANTS

The following tree species are not allowed within STC: Russian Olive, Siberian Elms, Black Locust, Lombardy Poplar, Tamarix, Willow, Silver Maple and related hybrid tree species. Consult with the Town and Boulder County to make sure that nothing is planted that is on the prohibited noxious plant and weed list.

EXHIBIT C
EXTERIOR COLOR SCHEMES



APPENDIX C - ARCHITECTURAL COLOR/ MATERIALS PALETTE

C.1 ARCHITECTURAL COLOR PALETTE

A. The use of color to enliven building facades is an essential part of the design for STC. The following examples offer insight and suggestion as to the use of color within the project.

ACCENT COLOR PALETTE



PRIMARY COLOR PALETTE



ROOF COLORS





- B. The most saturated colors are reserved for accent elements (non wall elements). The entry features are an opportunity for the most of the wall colors to help call attention to the entries. Color changes are to be accompanied by a plane change or separated by a substantial reveal. The primary hues of the wall surfaces should relate to earth tones. Patterns should be mostly faux representations of historic or similar architectural elements. The use of color should augment, not diminish, the differences between the facades. The primary colors are the most consistent colors, acting as a common thread of infrastructural elements. Color palettes building to building should vary so that they preserve their individuality.
- C. Final building color palettes have not been determined; however, the palettes should be of similar tones, values and styles as the examples shown in Fig. C1. Final building colors will be submitted and reviewed during architectural review for each building.

Fig. C1



APPENDIX I

DESIGN REVIEW REQUEST INSTRUCTIONS

To make a request for design review, complete a request form and submit (with all backup documents necessary) to:

STC Metropolitan District No. 2
141 Union Blvd., Suite 150
Lakewood, CO 80228
Phone Contact: 303-987-0835

SUBMISSION REQUIREMENTS

The Master Declaration of Covenants, Conditions, and Restrictions for Superior Town Center ("Declaration") and Declaration of Covenants, Conditions and Restrictions for Discovery Ridge at Superior Town Center ("Discovery Ridge Declaration")(collectively, the "Declarations") govern the Properties within Superior Town Center. Copies of the Declarations are available at any time from the District, and the Declarations are recorded in the real property records of Boulder County, Colorado. Each Owner should review and become familiar with the Declarations. Nothing in these Guidelines supersedes or alters the provisions or requirements of the Declarations and, if there is any conflict or inconsistency between these Guidelines and the Declarations, the Declarations control.

Use of Property and Improvements must comply with the applicable building codes or other governmental requirements and regulations. Where the provisions of applicable federal, state, Boulder County and/or Town of Superior standards are more restrictive than the provisions of these Guidelines, such other more restrictive standards shall control. Unless specifically exempt, all Improvements must be approved by the DRC.

The DRC shall review each request for approval and make a decision within sixty (60) days after payment of the submittal fee and the complete submission of plans, specifications and other materials and information, which the DRC may require in conjunction therewith. Any request for approval shall be deemed disapproved unless written approval is transmitted within sixty (60) days after the receipt by the DRC of all required fees and materials.

Submittal Fees shall be charged on the following schedule for each submittal:

<u>Fee Description</u>	<u>Fee Amount</u>
Landscape Review and/or Fence Review	\$50
Paint Color Change	\$50
Main Building Addition, Addition of Accessory Building, Shed, Deck, Patio, Site Plan, Footprint (including Driveway) Review	\$100

All other items	\$50
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Landscaping - Include a plot plan showing in detail what you intend to accomplish. Be sure to show existing conditions as well as your proposed improvements. If you will be planting trees and shrubs, be sure to indicate the type and size on the plan.

If you will be installing rock or bark mulch in planting beds, be sure to specify the type, color and size. If you are using edging, be sure to specify the type of edging. If you are installing a retaining wall you must indicate how it will be constructed.

THIS IS EXTREMELY IMPORTANT - YOU MAY NOT ALTER THE DRAINAGE ON YOUR LOT.

Painting — if requesting a paint color other than the preapproved colors provided in Exhibit C of the Guidelines, submit paint samples and indicate the color in general terms of the houses on either side of yours (example: light beige with brown trim). Large samples help give a better impression of color than small samples.

Fencing — Be sure to show the location of the proposed fencing on a plot plan and described the type of fence. Fences must be treated with clear waterproof stain or natural stain. The finished of installed fencing should face away from your home.

Roofing — Submit manufacturer's sample or brochure showing the type and color of shingle you intend on using.

Patio Covers or Gazebos — You must submit a plot plan showing the proposed location in addition to elevations showing construction and exterior appearance. Also include exterior finish if other than natural.

DESIGN REVIEW REQUEST FORM

FOR OFFICE USE ONLY

STC Metropolitan District No. 2
141 Union Blvd., Suite 150
Lakewood, CO 80228
303-987-0835

Date Received _____
Crucial Date _____
Date Sent to Entity _____
Date Rcvd from Entity _____

HOMEOWNER'S NAME(S): _____

ADDRESS: _____

PHONE(S): _____

My request involves the following type of improvement(s):

- Landscaping
- Deck/Patio Slab
- Roofing
- Drive/Walk Addition
- Painting
- Patio Cover
- Shed/Room Addition
- Basketball Backboard
- Fencing
- Other:

Include a plot plan drawn to scale, and describe improvements, showing in detail what you intend to accomplish. Be sure to show existing conditions as well as your proposed improvements. Example: If you will be planting trees and shrubs, be sure to indicate the type and size on the plan.

I understand that I must receive approval from the DRC in order to proceed with installation of Improvements if Improvements vary from the Guidelines or are not specifically exempt. I understand that I may not alter the drainage on my lot. I understand that the DRC is not responsible for the safety of Improvements, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations and that I may be required to obtain a building permit to complete the proposed Improvements. The DRC and the members thereof, as well as the District, the Board of Directors, or any representative of the DRC, shall not be liable for any loss, damage or injury arising out of or in any way connected with the performance of the DRC for any action, failure to act, approval, disapproval, or failure to approve or disapprove submittals, except to the extent the DRC or any individual DRC member acted willfully in bad faith. All work authorized by the DRC shall be completed within the time limits established specified below, but if not specified, not later than one year after the approval was granted. I further understand that following the completion of my approved Improvement, I must notify the DRC for final inspection of the Improvement and ultimate approval.

Date: _____

Homeowner's Signature: _____

DRC Action:

- Approved as submitted
- Approved subject to the following requirements:
- Disapproved for the following reasons:

All work to be completed no later than: _____

DRC Signature: _____ Date: _____

SUBMITTAL FEES

Submittal Fees shall be charged on the following schedule for each submittal:

<u>Fee Description</u>	<u>Fee Amount</u>
Landscape Review and/or Fence Review	\$50
Paint Color Change	\$50
Main Building Addition, Addition of Accessory Building, Shed, Deck, Patio, Site Plan, Footprint (including Driveway) Review	\$100
All other items	\$50

APPENDIX II
ANTENNA / SATELLITE DISH RULES AND REGULATIONS

Definition

Antenna / Satellite Dish – Any device for the receipt of broadcast services, including direct broadcast satellite (DBS), television broadcast, and multichannel multipoint distribution service (MMDS). A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

“Permitted Antennas” are defined as (a) an antenna which is less than one meter in diameter and is used to receive direct broadcast satellite service, including direct-to-home satellite services, or is used to receive or transmit fixed wireless signals via satellite; (b) an antenna which is less than one meter in diameter and is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services or is used to receive or transmit fixed wireless signals other than via satellite; (c) an antenna which is designed to receive broadcast television broadcast signals; or (d) other antennas which are expressly permitted under applicable federal statutes or regulations. In the event a Permitted Antenna is no longer expressly permitted under applicable federal statutes or regulations, such antenna will no longer be a Permitted Antenna for purposes of this Section. Installation of Permitted Antennas shall not require DRC approval.

A. All Permitted Antennas shall be installed with emphasis on being as unobtrusive as possible to the community. To the extent that reception is not substantially degraded or costs unreasonably increased, all Permitted Antennas shall be screened from view from any street and nearby Lots to the maximum extent possible, and placement shall be made in the following order of preference:

1. Inside the structure of the house, not visible from the street.
2. Backyard (as defined in Section 5.01(f)) or side yard, behind and below the fence line.
3. Backyard or side yard, mounted on the house, in the least visible location below the roofline.
4. Side yard in front of wing fence, screened by and integrated into landscaping.
5. Back rooftop.
6. Front yard screened by and integrated into landscaping.

B. If more than one (1) location on the Lot allows for adequate reception without imposing unreasonable expense or delay, the order of preference described above shall be used, and the least visible site shall be selected.

C. Permitted Antennas shall not encroach upon common areas or any other Owner's property.

Installation of Antennae/Satellite Dishes

All installations must comply with all applicable building codes and other governmental regulations, and must be secured so they do not jeopardize the safety of residents or cause damage to adjacent properties. Any installation must strictly comply with FCC guidelines.

A. All Permitted Antennas shall be no larger, nor installed more visibly, than is necessary for reception of an acceptable signal.

B. Owners are responsible for all costs associated with the Permitted Antenna, including but not limited to costs to install, replace, repair, maintain, relocate, or remove the Permitted Antenna.

C. All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Permitted Antennas, masts and any visible wiring may be required to be painted to match the color of the structure to which they are attached. The Owner should check with the installer/vendor for the appropriate type of paint.

D. All other antennas, not addressed above, are prohibited.

Maintenance and Repair

Maintenance and repair of antenna are the sole responsibility of the Owner and should be properly maintained so as not to pose a potential safety hazard to any person or property. Any repairs or maintenance should be dealt with quickly and properly by the Owner when required to avoid safety hazards. In the event the DRC determines that an antenna requires attention, the Owner shall be notified in writing that they must resolve the problem within the time frame determined by the DRC.

Liability

The Owner shall be responsible for any and all real or personal property, or for any injury resulting from the installation of the antenna and/or its use, including but not limited to damage to any real or personal property caused by, related to, or arising from the installation due to dislodgement, use, or maintenance of any antenna.

**RESOLUTION OF THE
BOARD OF DIRECTORS OF
STC METROPOLITAN DISTRICT NO. 2**

A RESOLUTION ADOPTING AN AMENDED COVENANT ENFORCEMENT POLICY ESTABLISHING GUIDELINES FOR STC METROPOLITAN DISTRICT NO. 2 IN PROVIDING COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES

At a special meeting of the Board of Directors of the STC Metropolitan District No. 2, Town of Superior, Boulder County, Colorado, held at 9:00 A.M., on Wednesday, November 3, 2021, via online meeting at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone at 1-253-215-8782, **Meeting ID:** 897 9736 4658, **Password:** 115782, at which a quorum was present, the following resolution (the "Resolution") was adopted:

WHEREAS, pursuant to the Special District Act, Section 32-1-101 *et seq.*, C.R.S., and the Service Plan for STC Metropolitan District No. 2 ("Service Plan"), STC Metropolitan District No. 2 ("District No. 2") has the authority to furnish covenant enforcement and design review services; and

WHEREAS, that certain Master Declaration of Covenants, Conditions, and Restrictions for Superior Town Center was recorded in Clerk and Recorder's Office for Boulder County on April 14, 2015, at Reception No. 03439339 and that certain Master Declaration of Covenants, Conditions, and Restrictions for Superior Town Center was recorded in Clerk and Recorder's Office for Boulder County on November 22, 2019 at Reception No. 03750773 (collectively, the "Declaration"); and

WHEREAS, STC Metropolitan District No. 1, District No. 2 and STC Metropolitan District No. 3 (collectively, the "Districts") entered into that certain Facilities Funding, Construction and Operation Agreement (the "FFCOA"), dated January 15, 2015 pursuant to which the Districts agreed that District No. 2 is the Operating District responsible for all operations and maintenance services for the Districts; and

WHEREAS, the Districts entered into that certain Intergovernmental Agreement Regarding Covenant Enforcement and Design Review Services dated June 7, 2017, as amended by that certain First Amendment to Intergovernmental Agreement Regarding Covenant Enforcement and Design Review Services dated December 9, 2019 (the "IGA"), pursuant to which the Districts authorized District No. 2 to administer and enforce the Declaration and the Guidelines for the Property; and

WHEREAS, pursuant to the Declaration, the FFCOA, the IGA, that certain Resolution 2015-02-02 Acknowledging and Adopting the Master Declaration of Covenants, Conditions, and Restrictions for Superior Town Center adopted by District No. 2's Board of Directors ("Board") on February 2, 2015, that certain Resolution 2017-06-01 Adopting the Superior Town Center Rules, Regulations and Design Guidelines adopted by the Board on June 7, 2017, that certain Resolution No. 2018-04-01 Adopting the First Amendment to the Superior Town Center Rules, Regulations and Design Guidelines adopted by the Board on April 4, 2018, that certain Resolution

2019-05-01 Adopting the First Amended and Restated Superior Town Center Rules, Regulations and Design Guidelines, and that certain Resolution 2019-12-02 Adopting the Second Amended and Restated Superior Town Center Rules, Regulations and Design Guidelines (collectively, the “Covenant Enforcement Policy”), District No. 2 is empowered and has agreed to provide covenant enforcement and design review services within the boundaries of the Districts; and

WHEREAS, any services provided by District No. 2 shall be undertaken in accordance with the procedures and conditions set forth in the Service Plan, the Special District Act, and other applicable laws; and

WHEREAS, the Special District Act provides at Section 32-1-1004(8)(c), C.R.S., that metropolitan districts providing covenant enforcement and design review services are not authorized to enforce any covenant that has been determined to be unenforceable as a matter of law; and

WHEREAS, the Special District Act also provides at Section 32-1-1001(1)(m), C.R.S., that metropolitan districts have the power to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the state constitution; and

WHEREAS, the Board hereby desires to adopt a policy expressly stating that District No. 2 may only provide covenant enforcement and design review services to the extent that doing so does not infringe upon constitutional rights or otherwise violate the law; and

WHEREAS, the Board has determined that enacting such a policy is in the best interest of current and future residents and taxpayers of the Districts.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF STC METROPOLITAN DISTRICT NO. 2 HEREBY ADOPTS THE FOLLOWING AMENDED COVENANT ENFORCEMENT POLICY:

1. The Board, in acting on behalf of District No. 2 and/or in acting as members of the Covenant Enforcement Committee or Design Review Committee pursuant to the Declaration and the Covenant Enforcement Policy, shall not enforce any bylaws, covenants, guidelines, rules, regulations, or restrictions, however denominated, contained in the Declaration and the Covenant Enforcement Policy, as currently enacted or as the same may be amended or supplemented from time to time (collectively, the “Covenants”), if the Board determines, in its reasonable discretion or upon advice from legal counsel, that: (i) such enforcement may infringe upon constitutional rights of residents of the Districts against whom the Covenants are contemplated being enforced; or (ii) that such Covenants have been determined by applicable statute or by a court of competent jurisdiction to be unenforceable as a matter of law. The Covenants shall not be construed or interpreted as a grant of authority in excess of the authority granted to District No. 2 pursuant to the Service Plan and the Special District Act, as further limited by the state constitution and other applicable laws (altogether, the “Amended Covenant Enforcement Policy”).

2. This Amended Covenant Enforcement Policy shall supersede and control anything contained in the Covenants to the contrary.

3. This Amended Covenant Enforcement Policy shall take effect on the date and time of its adoption.

ADOPTED AND APPROVED THIS 3rd DAY OF NOVEMBER 2021.

STC METROPOLITAN DISTRICT NO. 2

By: 
James A. Brzostowicz, President

ATTEST:

By: 
Terry Willis, Assistant Secretary

TITLE	Approved Resolutions
FILE NAME	015 Resolut...f Super.pdf and 1 other
DOCUMENT ID	3be185a272e228f1c7e47a16a6cafe05848b16f2
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