

**MID TOWN
DESIGN CRITERIA GUIDELINES FOR RESIDENTIAL IMPROVEMENTS
Dated 23 June 2005**

PLANNING AND DESIGN PHILOSOPHY

Mid Town is a highly desirable location that offers residents the benefits of living in an established town setting with urban services and conveniences within close proximity. The planning and design philosophy of Mid Town is to encourage consistent quality and design expression within the existing fabric of Lafayette, while allowing for individuality of architectural expression by its Owners.

While new homes will be constructed, it is the strong desire that the new homes fit in with the surrounding scale, architectural styles, and adjacent neighborhood.

It is in every Owner's interest and the intent of these Design Guidelines that all residences use appropriate architecture in keeping with the surrounding community. Residences should not assert themselves at the expense of neighboring homes, but rather relate to each other to form a harmonious community that shares and supports a common design theme.

The Architectural Review Committee is encouraged to use the Old Town Lafayette Design Resource Book as a supplement to these guidelines. When there is a conflict between the Old Town Lafayette Resource Book and these guidelines, the guidelines will prevail.

The Guidelines, procedures and information herein define the means by which homes built at Mid Town can be compatible with each other and within the existing neighborhood. These Design Guidelines are the criteria for judgment and form the basis of control by the Design Review Committee. Compliance with the spirit of these guidelines is important to the success of Mid Town.

These Design Guidelines may change from time to time to reflect new and changing conditions without modifying their overall intent. Owners contemplating activities covered herein should obtain the most recent approved version of the Design Guidelines. **ANY SUBSTANTIAL MODIFICATION OF THESE GUIDELINES ARE SUBJECT TO APPROVAL OF THE CITY OF LAFAYETTE PLANNING STAFF.**

These Guidelines are intended to guide construction of residential homes, and other site improvements on individual lots within the subdivision known as Mid Town.

THE DESIGN CRITERIA GUIDELINES HAVE BEEN PREPARED BY THE ARCHITECTURAL REVIEW COMMITTEE OF THE MID TOWN OWNERS ASSOCIATION. THE ARCHITECTURAL REVIEW COMMITTEE RESERVES THE RIGHT TO ADD TO OR MODIFY THESE GUIDELINES AT ITS

DESCRIPTION. PLEASE CHECK WITH THE ARCHITECTURAL REVIEW COMMITTEE TO BE CERTAIN THAT YOU HAVE THE LATEST EDITION

INTRODUCTION

OVERVIEW

These guidelines have been prepared to assist architects, builders and homeowners in the design and construction of new homes, home additions or alterations, fences, landscaping and other improvements at Mid Town. The objectives of these guidelines, simply states, are to keep the community attractive for the enjoyment of homeowners and the protection of property values.

AUTHORITY FOR REVIEW BY ARCHITECTURAL REVIEW COMMITTEE

In an effort to assure owners and residents of Mid Town that proper standards of development and construction will be maintained for the benefit of all, the Architectural Review Committee (the "Committee") has established this Design Criteria (the "Guidelines") for design review and approval. These Guidelines have been adopted by the Committee pursuant Section 11.3 of the Declaration of Covenants, Conditions and Restrictions for Mid Town dated _____, 2005, recorded at Reception No. _____ (the "Declaration"). All capitalized terms not defined herein shall have the meaning ascribed to them in the Declaration.

These Guidelines for Mid Town are supplemental to and do not in any way alter the provisions and requirements contained in other official documents pertaining to the Mid Town community, such as zoning ordinances, building code regulations, the Plat, the Final Plan, the Declaration and the Rules in effect at the time of construction. Each applicant for architectural approval must comply with all zoning and building codes in effect in the City of Lafayette, Colorado.

The review and approval procedures are not intended to impose unreasonable or excessively costly controls nor to duplicate the functions normally provided by public agencies, such as the City of Lafayette's Planning and Building Departments, but, rather, to coordinate the design and construction of buildings by many different owners, architects, engineers and construction so as to achieve a pattern of continuous quality and identity, as contemplated and required by the Declaration. The role of the Committee is directed toward review and approval of exterior design, appearance, architectural vocabulary and aesthetics. The Committee assumes no responsibility with regard to structural, mechanical, electrical or other construction details.

DEFINITIONS

- a. "Declarant" is Mid Town Holdings, LLC, a Colorado limited liability company, and its successors, assigns, and grantees.

- b. "Improvements" shall have the same meaning as "Improvements" as defined in the Declaration.
- c. "Utility Lines" or "Utilities" shall mean all water, sewer, and underdrain pipelines which lie beneath the surface of the ground and also all electric, telephone, gas and other wire lines, and other necessary appurtenances which run below the surface of the ground.
- d. "Owner" shall have the same meaning as "Owner" as defined in the Declaration.
- e. "Lot" shall have the same meaning as "Lot" as defined in the Declaration.
- f. "Plans" means the totality of an Owner's application for review by the Committee, including site plan, architectural or engineering drawings, specifications, materials and color samples, and a table of vegetation types.

ARCHITECTURAL REVIEW COMMITTEE

The Committee shall consist of three members to review, study, and approve or reject proposed Improvements in accordance with terms and conditions of these Guidelines and the Declaration. In accordance with the Declaration, the Committee members shall be appointed by Declarant and consist of three members. The terms of the members of the initial Committee shall be at Declarant's discretion.

The Committee shall meet at the convenience of its members or may utilize the mail or phone as necessary to transact its business. An Owner or his representative need not be present for the Committee to act upon an application. The address of the principal office of the Committee shall be: Heron Realty, 601 Snow Peak Lane, Lafayette, Colorado 80026.

ARCHITECTURAL DESIGN GUIDELINES

All guidelines set forth within this section that are pertinent to the construction or installation of Improvements on an Owner's lot shall be incorporated into the plans submitted for review in the form of general notes, details or drawings.

General Design Considerations

The setting of Mid Town provides a starting point in designing your new home. Designs which reflect the character of homes in Old Town Lafayette, in terms of form, massing, rooflines, and mixture and use of strong supporting materials will contribute to a cohesive, interesting community for the homeowners in Mid Town.

Inappropriate Designs

Even though there may be good examples and contributions made by experimental or radical building designs it is not in keeping with the character of Mid Town. Passive solar and energy efficient design are encouraged and it is felt that these concepts can be incorporated without compromising the design goals of Mid Town.

The following information outlines a general approach to creating an interesting and visually pleasing community.

Professional Design Assistance

Owners must utilize a registered and accredited architect or qualified designer to design their residence. The Committee reserves the right to waive this requirement based on the background and experience of the applicant or his or her agent, and if the Plan submittal is complete and adequate. For all Improvements, Owners shall use appropriate design professionals when required to comply with applicable building codes, zoning codes or other municipal, local, county or state laws, rules or regulations.

Use

All lots in Mid Town are platted for single family homes. No duplexes or auxiliary units are allowed.

Architectural Design

The intent of the Mid Town Design Guidelines is to encourage individual design through the use of simple criteria for good architectural design.

The goal of these guidelines is to direct the architecture of Mid Town to reflect the historical character of the area. The character of individual homes should evoke images of the historic homes of the town. Through the choice of appropriate materials and

colors, and by maintaining scale with the surrounding homes, a pleasant, livable community will be created.

DESIGN CONSIDERATIONS

When considering the design or analysis of a building design, the Design Review Committee believes it is appropriate to consider three principle subjects to be addressed:

Form and Massing

Main Building Elements

Details, Materials, and Finishes

Form, Massing and Scale

From a distance, the form of a building should stand on its own.

Viewed from any angle, the building should create a sense of belonging in the neighborhood. If this is achieved in all the homes, the neighborhood becomes a cohesive, aesthetically pleasing place to live.

Massing Criteria

In reviewing overall building forms, the Committee will consider massing, proportions and overall scale of the building in relation to the surrounding homes. It is strongly encouraged that the building massing not appear as a solid box form, but that the overall appearance is in keeping with the historic character of Old Town Lafayette.

Shadow patterns should be created through a variety of techniques including building offsets and staggering; projections (such as porches) recessed elements; roof overhangs; and contrasting but harmonious materials, textures, and colors.

Porches can also break-up flat front facades of homes, and create opportunities for interesting and strong column designs. Where applicable and in keeping with the design, wrap-around front porches are encouraged to add interest and detail to side and rear elevations.

Building designs should incorporate visually heavier and more massive elements at their base, and lighter elements above these components.

Balance

- Overhangs, porches, entries, doors, and windows should be used to break-up facades and articulate form.
- Creative entry treatments should be used and other focal points created, including porches, balconies, dormers, and shutters.

- Provide variation in the building footprint.
- Contrast and depth within the building elevation can be created by offering exterior elevations that emphasize a dominant building material, and include contrasting and complimentary trim materials and colors.
- Materials with varying textures and depths should be used.
- Simple lines and few incongruous angles should be used.
- Excessive façade trims on windows and doors can result in a cluttered appearance and should be avoided.
- Cantilevers and unsupported popouts are discouraged.

Roofs

Visually, the roof is the single most important element in an overall building design. The large strong roof planes terminate and determine the building shape. The use of major rooftop elements such as dormers, should enhance the form and be an integral part of it.

A building's roof is integral to a home's architectural character. Roofing material color and texture should be compatible with other materials on the homes and adjacent properties.

Roof forms should not be overly complex. The mass of a building's roof should be broken into smaller planes or roof elements to help reduce the apparent building scale, avoid the repetition of roof forms, and provide visual interest through articulation.

- A dominant roof form should be used in conjunction with complimentary secondary and minor roof forms/elements. Minor variations should be provided in the roof height and ridgelines.
- Generally, a gable or hip configuration should be used with complimentary roof types, include sheds and dormers.
- The dominant roof form should be oriented from front-to-back to lower the apparent roof height and reduce the impact of high gable roof ends.
- A minimum four-to-twelve (4:12) and a maximum eight-to-twelve (8:12) roof pitch should be used on the dominant roof form. The pitch of smaller elements may vary below and above these ranges if consistent with the individual home.

- Roof forms should be proportional to the spaces they cover and help tie the overall building mass together.
- Gables, dormers, and other smaller roof elements should be proportional to the spaces they cover and to the overall roof size and form. These roof elements can help break up the proportions of the roof and the building.

Building Design Elements

Character and Size

The main features that become important as one approaches a home include specific design elements, walls and openings.

Many additional building elements come into view as one approaches a home. It is important that in all cases these elements integrate with the whole. What may start out as a minor item can become a distracting eyesore.

Recessed and Projected Elements

Recessed and projected elements (including bay windows), are encouraged to achieve more articulated and interesting forms, and to provide cohesive and consistent relationships between indoor and outdoor spaces. Front porches are required and said porch to be a minimum of 5 ' in depth.

Windows and openings

Openings of unusual shape or special treatments used in an arbitrary or excessive way become distracting to a good overall design. The use of such forms to “dress-up” a weak design is usually not successful.

Design elements used consistently throughout the building, such as window details or arched heads on all openings can lend a continuity and rhythm to a design.

It is a good rule that roughly equal area of openings to equal area of wall solid produces an awkward visual imbalance. Combined with poor placement and excessive number of sizes and shapes, the results are usually weak.

Walls treated as solid with a few well-placed openings or as mainly open (or transparent) with a few adequately proportional support elements produce more successful results.

Window Placement

- Windows should be placed (location, height, and orientation) to respect the privacy of adjacent residences, as well as to enhance interior spaces and functions and overall building character.
- Window and door heads should be at a consistent height, unless a design specifically requires otherwise.
- Proportions and forms of window and door openings should reflect human scale and compliment rooflines and building eaves.
- Trim treatments for arched and other special windows should be consistent with trims for standard windows.

Covered Entryways and Outdoor Living Areas

The Committee encourages a defined entry hierarchy with good visibility from the drive, attractive curb appeal, a well thought-out design with quality materials, and good articulation.

- The size of an enclosed porch, patio, deck, or balcony should be compatible to human scale and proportional to the size of its base structure.
- Porches, patios, decks, and balconies should be compatible or integrated with building forms to enhance and complement architectural character.
- Balconies, patios, and decks should be located so as to respect the privacy of adjacent dwellings.
- Materials and colors of all elevated decks shall be consistent with or complimentary to the base structure. All vertical elements (railings, supports, columns, and overhead structures), for example, should be painted or stained to match their base structure, and not left to “weather”.
- Deck railings, stair stringers, and stair handrails must be painted or stained with colors that match the architecture of the house. Decking may be left untreated.

Roof Overhangs, Fascia, and Soffits

Roof overhangs are recommended for their aesthetic quality as well as practical functions. They create relief and shadow patterns that visually reduce height and scale, provide shade for walls and windows, and control rainwater.

- Overhangs should be proportional to the sizes of roofs, pitches, and building heights. Larger roof areas, shallow pitches, and roofs high from the ground generally indicate larger overhangs. Steeper roofs typically require less overhang.

- Generally, overhangs should be a minimum of twelve inches (12”), unless design styles and treatments (such as built-up frieze bands), require alternative solutions.
- Heavier and more substantial fascia and soffit details are characteristic of the style of Mid Town. Appropriate results may be achieved through exposed rafters, clean rakes, and return cornice conditions.
- Fascia and soffit details should be proportional to the size of overhangs and roof pitches.
- Traditional fascia and soffit details are more appropriate with smaller overhangs and when “tied” more closely to walls.
- A minimum eight-inch (8”) width is encouraged for fascia boards, or some comparable combination of built-up and relief boards (two-by-four inch (2” x 4”) with exposed rafter tails, for example). A one-by-six inch (1” x 6”) or two-by-six inch (2” x 6”) fascia board is not acceptable.

Columns and Supports

Columns and supports are important elements of the architectural image of a building. Their architectural presence includes their scale in relation to what they support, as well as their general character and detailing.

- Tapered columns should have a minimum base diameter of ten inches (10”) and boxed-out columns should be minimally twelve-by-twelve (12” x 12”).
- Column character and detailing should be consistent with architectural style.
- Masonry columns at rear elevations should be proportional to the building mass. Such columns should terminate at the upper story floor level, not at the tops of balcony railings.
- Elevated balcony and deck posts and supports should be a minimum of six-by-six inches (6” x 6”), and to as great extent as possible, incorporate relief. The use of four-by-four inch (4” x 4”) posts is discouraged unless built-up elements are added to increase the overall dimension and proportions of the supports.

Garage Design and Garage Doors

Garage doors are mainly front loaded, with some opportunity for garages to be side-loaded. In all cases where a third bay is on the same elevation, it shall be off-set from the other two.

In situations where garage side walls face the main street, details including windows and other architectural treatment shall be used to integrate the garage into the main house structure and provide detail and interest to the street.

Where possible, tandem parking shall be considered in the design of dwellings with three-car garages in order to reduce the impact associated with conventional three (3)-car garage elevations.

Garage proportions should demonstrate human scale, and not dominate or overwhelm the elevation of the home. Specific criteria include the following:

- Architectural forms and materials similar to those used in the main entry of a structure should be incorporated into the garage elevation.
- Design elements and details should be incorporated into the garage elevation, especially when side-loaded from the street.
- When a garage is distinguished by an individual roof form, the roof must be treated separately from the primary roof body, and should not exceed the standard, single-story, eight foot (8') plate height.

Doors

Solid core wood, plank, or hollow metal doors are acceptable for exterior doors. Any painted materials must be of an approved color. Door designs complementary to the overall residence design are required. Overly ornate, gaudy or period designs are not allowed. One or more standard storm doors may be allowed on a case by case basis.

Details, Materials, and Colors

Natural colors or transparent finishes on these materials not only enhance the character of homes in Mid Town, but also actually improve with age and are low maintenance. Man-made materials of natural colors and textures are suitable for construction in Mid Town.

Large expanses of a single material, especially if unbroken by detail or depth, can become overpowering to the rest of the building form and the surroundings.

Materials and Finishes

In keeping with the goals of Mid Town to create and preserve the neighborhood character, use materials that are compatible, and carefully consider the finish and color selection.

Exterior Materials and Finishes

General Considerations

As much as possible, natural colors and textures of materials should be expressed.

Typically, exterior materials are most visually effective when only two (2) materials, excluding trim, are used. However, there should generally be a single dominant building material.

Front, side, and rear elevations should share common materials and colors. When masonry veneers are used, they shall be applied to all elevations of a building, or wrap corners to express a substantial character.

Contrasting but compatible building textures/materials should be used to help unify exterior building elements and create depth, proportion, and scale.

Wood Siding

Individual wood or hardboard siding is appropriate.

Roofing Materials

The goal is to use natural, warm and attractive materials. Many man-made roofing products, especially those products such as fiberglass shingles, high glazed tile or brightly painted metal all fall short of the goal. Recommended Materials include premium 25 year asphalt shingles. Other materials, such standing-seam metal roofs will be considered on a case-by-case basis.

Generally, roof material colors should be darker and earth-toned hues that accent and compliment other building colors.

Color

Exterior improvement colors shall generally be complementary to the Owner's home and be compatible with adjacent buildings. The use of decorative accent colors and color blocking will be reviewed for location and application. The Committee will consider all coloration schemes based on their architectural merit and compatibility to the community as a whole. Repainting using the same colors as previously approved shall not require further approval of the Committee. Adjacent homes shall not have the same color schemes.

- Natural, earth-toned colors should be utilized.
- Accent colors should be used sparingly.
- Trim colors should accentuate roof forms and window and door openings, and not applied to building corner boards.

- When homes are repainted, color choices shall be based on a pre-selected palette of colors provided by the neighborhood homeowners association.

Finishes

Solid body stains or paints that relate to the surrounding improvements are acceptable. Color samples measuring a minimum of 35 square inches must be submitted for Committee review.

Systems Equipment on Building Exteriors

Any equipment mounted on roofs and building exteriors should be concealed or located to integrate with the building's architecture. In no instance should such equipment give the appearance of being "tacked-on" to the exterior surfaces. Such items include, but are not limited to, skylights, solar panels, vents, mechanical and electrical equipment, communications equipment, security equipment, access ladders, and meters for utilities.

Mechanical, Electrical, and Communications Equipment

All mechanical, electrical and communications equipment including air conditioning, heating and soft water tanks, television antennas, cable television boxes, security apparatus, transformers, telephone boxes, and electric and gas meters, must be integrated into the building design, screened from public view or when appropriate, enclosed in a suitable accessory structure.

Television antennas and other communications apparatus over 2' in diameter must be screened from public view. Location of any apparatus must be approved by the Committee.

Air Conditioning and Evaporative Cooling Units

Air-conditioning and evaporative cooling units may not be located on roofs, in windows, or mounted on the sides of homes. All air-conditioning units shall be located at ground level, adjacent to buildings they serve and screened from public view.

Meters, Transformers, and other Boxes

Utility meters, transformers, and phone and cable boxes should be screened from public view. Screen walls and/or landscaping are required treatments.

Gutters and Downspouts

Gutters and downspouts should be integrated into the design of buildings, and appear as a continuous architectural element. Drainage solutions should be unobtrusive to the overall building.

The colors of exposed gutters and downspouts should match those of the surfaces to which they are attached.

Downspouts should be located on vertical members in inconspicuous locations.

Changes

No substantial changes in plans or materials previously approved may be undertaken without approval of the Committee. No work shall be undertaken (other than routine maintenance and repair) which will result in substantial changes in the exterior appearance of an approved residence, including painting or re-staining, without prior, written approval of the Committee.

SITE GUIDELINES

These Site Guidelines, together with the Architectural Design Guidelines, form the basic visual and planning for Mid Town. The inclusion of Mid Town within the surrounding town context is an important goal.

Respect for adjacent residences is stressed, as is coordination of building massing, material compatibility, sun/shade patterns, indoor/outdoor relationships, drainage and access.

Drainage

No Owner shall interfere with or redirect the natural course or intended flow of any drainage and runoff, nor construct any improvement, place any landscaping, or allow the existence of any condition which will alter the drainage pattern as intended, except to the extent such alteration is approved in writing by the Committee, and any other public authorities having jurisdiction. A registered professional engineer shall design any change in drainage or runoff patterns.

Upon completion of any Improvement, the lot shall be final graded to ensure positive drainage away from the structure's foundation. Drainage swales shall have a minimum grade adequate to insure proper water flow. As a general rule, swales shall be no closer than 5' from any foundation wall. Minimum slopes away from the foundation should be 5% for the first 5' or in accordance with the Owner's soils engineering report, whichever is most restrictive.

As further described on the Plat, Lots 10, 11, 22 and 23 each include a drainage easement along one side lot line (each an "Easement"). Each Owner of Lot including an Easement is responsible for the maintenance of the Easement and required to ensure that nothing interferes with the proper operation of the Easement. In addition, the Committee will carefully review all landscaping plans submitted by each Owner of a Lot including an Easement to ensure such landscaping is consistent with the special needs of the Easement area. No Owner of Lot that includes an Easement may deviate from the approved landscaping plans within the Easement area.

Grading

All graded slopes should be "rolled" back into existing slopes, so that no sharp contrast exists between existing and disturbed slopes. No final grading shall extend beyond existing lot lines without consent of the adjoining Site Owner, but coordination of grades at lot lines is required.

Screens, Fencing and Enclosures

To create an open, cohesive neighborhood, perimeter lot fencing will be closely reviewed by the Committee. To further define the character of Mid Town, individual residential sites, and outdoor use areas, a system of fencing and privacy screens is outlined below.

Fencing

Any fence installed in strict compliance with the design and specifications of the fences set forth in document may be installed without obtaining Committee approval, so long as the remaining requirements are met.

Fencing shall be a picket fence style, maximum 42-48 inches in height. It shall be painted or stained to match or compliment the house color. No privacy fence shall be installed on either side parallel to the property boundary fence unless otherwise stated in these guidelines.

Privacy fences are generally discouraged within Mid Town. Privacy fences are any fence other than the approved fence. Fencing within drainage easements on Lots 10, 11, 21, 22 is prohibited.

Privacy Screens

Privacy screens may be used to screen privacy areas, including decks, patios, and hot tubs, and except for hot tubs, these areas may not be fully enclosed. Screening of these privacy areas requires use of materials and finishes that are consistent with the residential structures constructed on the site, with overall harmony and compatibility between the physical structure and the landscaping encouraged. These screens shall be limited to the building envelope and not exceed 5' in height and not enclose more than 300 square feet of area.

Outdoor Lighting

All outdoor lighting is subject to Committee approval. Lights must be functional and enhance the overall appearance of a residence, but must not be disturbing to neighbors or motorists. No lights shall be emitted from any site that are unreasonably bright or cause unreasonable glare.

All exterior lighting fixtures, used for illumination of driveways, walks, address signage, and general landscape purposes shall be compatible with the design of the structures. All lights should have sharp, cut-off features.

Signs and Mailboxes

No signs whatsoever shall be permitted within any lot, with the exception of signs required by legal proceedings, and signs identifying security alarms, and one 3'x 2' sign advertising the property for sale or rent.

Prior to the initial occupancy of a residence, mailboxes shall be installed by the builder in conformance with applicable United States Postal Service requirements.

Swimming Pools

No above ground swimming pools are allowed. This does not preclude the use of small plastic wading pools, which are typically filled on a daily basis.
Screens, Fencing and Enclosures Accessory Buildings

Accessory Buildings

Accessory buildings or facilities such as gazebos, greenhouses, hot tubs, etc. shall adhere to the guidelines for installation of improvements set forth herein. No outbuildings, detached garages, or trailers shall be allowed. Massing and scale, as well as forms, materials, and other detailing should be coordinated with the main structures on the site.

Final approval for any approval rests with the ACC. Structures such as gazebo's, etc., shall comply with the following restrictions:

All such structures shall (1) be constructed within the building envelope on a level concrete pad; (2) not alter drainage patterns of a Site; (3) not exceed 8'x 10' in size; (4) not exceed 8' in height if visible from any street, (5) be located so as not to be viewed in full from the front of the residence; (6) be constructed of materials and colors that match or are compatible with the residential structure.

Utility Equipment

Exterior utility equipment, where possible, must be incorporated into the main building or, along with other detached structures, be architecturally compatible with the residence. All utility equipment shall be painted to match the color of the wall to which it is mounted or adjacent.

Air conditioning units and swamp coolers are not allowed on rooftops or in front of residences. All air conditioning units and swamp coolers installed must be fully screened from the view of the street as approved by the Committee.

Antennas and Satellite Dishes

Antennas and Satellite Dish availability and installation shall comply with the Antenna and Satellite Dish Rules and Regulations attached hereto.

Play Structures

Play structures are allowed without Committee approval, but shall not exceed 12' in height. They must be located a minimum of 6' from any property line, and be placed to have minimum impact on surrounding homes. It is encouraged that landscaping be used to buffer play structures from adjacent properties. Without approval of the Committee, play structure colors shall be earth tones. Other colors shall only be allowed with Committee approval.

REVIEW PROCESS

These Design Guidelines provide a framework for the Committee to review, process and approve residential construction in Mid Town. An Owner (inclusive of the Owner and his architect, contractor, and/or other representatives) must follow these procedures to secure the necessary approvals.

Plans for all Improvements shall be submitted to the Mid Town Design Review Committee, The Committee will respond to all written submittals within 30 days of their receipt.

1. Plan Review

Purpose: To ensure document conformity with the Design Guidelines
Please review the submittal requirements section for required information.

2. Construction Progress Review

A Committee member or its agent may periodically visit the construction site to monitor compliance with the approved Plans and construction period regulations. Items of noncompliance must be immediately corrected or removed by the Owner. Absence of such inspection or notification during the construction period or upon completion of the work (except in strict conformance with the Declaration) does not constitute either Committee approval of work in progress or completed work or compliance with these Guidelines.

3. Project Completion Review

In addition to the provisions of the Declaration, if the Owner chooses, the Owner may inform the Committee in writing 30 days prior to final completion of the work so it can meet with the Owner to review the final construction and ensure the final exterior building form is substantially in accordance with the approved Final Plan. Non-conforming improvements shall be promptly removed or corrected by Owner.

4. Review Fees

The committee reserves the right to charge review fees for submissions. This would normally involve complex improvements that might require professional opinions.

5. Other Conditions

The Design Review Committee shall not be responsible for reviewing, nor shall its approval of an improvement be deemed approval with respect to:

1. The requirement of any jurisdiction to obtain building permits or the satisfaction of applicable building codes;

2. Structural integrity or the existence or absence of design defects;
3. The existence or absence of construction defects;
4. The quality of construction- or
5. The effect of the improvement on other improvements or alterations to the property.

Approval of plans by the Committee shall not be deemed to constitute compliance with the requirements of any local building, zoning, subdivision, sign, safety, health, public works or fire codes and regulations, nor shall approval waive any requirements on the part of the Owner to comply with setbacks, height restrictions, or requirements unless such waiver or variance is specifically requested at the time of submittal and granted by the Committee and local jurisdictions, where applicable. Approval by the Design Review Committee is made in reliance on the Applicant having consulted with, and obtained advice from, such engineers, architects, contractors and other professionals as Applicant deems appropriate or necessary, with respect to construction of the improvements, including without limitation, soils, structural, drainage, construction quality, permitting, safety and aesthetic matters. The covenants, conditions and restrictions as established by the Declarant shall remain in force as the legal restrictions governing all construction.

Neither the Committee, the Association, the Board of Directors of the Association, nor any of their respective individual members, employees, agents, successors or assigns shall be liable for any loss, damage or injury arising out of or in any way connected with the performance and duties of the Committee unless due to the willful misconduct or bad faith of the party to be held liable. Every Owner or other person who submits plans to the Committee for approval agrees, by submission of such plans and specifications, that they will not bring an action or suit against the Committee, the Association, the Board of directors of the Association, nor the management company nor any of their respective individual members, employees, agents, successors or assigns based on mistake mis-judgement, negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval or failure to approve any plans or specifications.

The Committee reserves the right to waive or vary any of the procedures or Design Guidelines at its discretion, for good cause shown. A waiver of strict application, in whole or in part, of any provision of these Design Guidelines or the Declaration, shall not be deemed a waiver at any other time of any other requirement of these Design Guidelines or the Declaration.

6. Additional Guidelines, Standards, Criteria, Rules, Regulations and Procedures

The Committee may, from time to time, adopt, promulgate, amend or otherwise revise additional guidelines, standards, criteria, rules and regulations and procedures governing its responsibility for the purpose of-

Further enhancing, defining, or interpreting what other items or improvements are covered by these Guidelines; and

2. Providing for changes in technology, industry standards, style, materials, safety issues, consistency with updated building codes or other laws or ordinances, or for any other reason that the Committee, in its sole discretion, deems to be proper, necessary, or in the best interests of the Association.

In determining what is in the best interests of the Association, the Committee may, but shall not be required to, solicit input from: 1) Owners whose Lots are in close proximity to the proposed improvements or alteration to Improvements; or 2) The entire Association. The Committee shall not be bound by said input but shall use its best judgment in approving or disapproving the proposed Improvements or alteration to Improvements.

Any additional guidelines, standards, criteria, rules and regulations, procedures or amendments thereto, shall apply to Improvements, construction, alterations or additions occurring after the date such additional guidelines, standards, criteria, rules and regulations, procedures or amendments are published or otherwise made available to all owners.

APPENDIX 1: SUBMITTAL STANDARDS

The following is a guide to Owners, architects, and contractors doing residential design and construction at Mid Town.

Submittal Requirements

In order for designs to be reviewed, there is a minimum amount of paperwork that must be submitted. A complete package must be submitted before a review will take place, unless a specific exemption is accepted by the committee. The following items are to be submitted:

1. One complete set of construction plans. These plans will be retained in committee files for future reference.
2. Site plan with a scale of at least 1"=20'. This shall include a north arrow, property lines, grading and elevations, building envelopes, patios, walks, driveways, service locations, site amenities, mechanical equipment, roadways, easements, setbacks, light fixtures, meter locations, area wells, main level and garage foundation heights, and any other pertinent information which may be deemed by the builder to be peculiar to the plan.
3. Exterior Building Elevation shall be a minimum scale of 1/8"=1' and shall show an elevation of each side of the residence and shall indicate roof pitch, building materials and proposed grade lines. All building materials must be clearly identifies.
4. Building Sections which shall be a scale of not less than 1/4"=1' and must show the total rood height as measured in accordance with the City of Lafayette standards. This height must be based on a permanent benchmark established to provide future measurement of the height and related to the low point on the lot in accordance with city codes.
5. Floor plans for each floor and any porches and patios must be included.
6. Color Board showing the brick, stone, stucco, and paint colors, including window color, along with any coloration. The committee may request a sample section of the dwelling be painted in order to evaluate new exterior colors or proposed changes to existing colors.
7. Completed application form and any fee if applicable.
8. Requirements for the Landscape Submittal are outlined below under Appendix 2 Landscape Design Guidelines and Submittals.

I. Applicable Codes and Regulations

The following documents are administered by the applicable city and county building departments or other regulatory agencies and should be verified for amendments, corrections, and applicability before construction.

Uniform Fire Code and Natural Life Safety Code
Uniform Building Code
Uniform Plumbing Code
Uniform Mechanical Code
Occupational Safety and Health Act (OSHA)

2. Permits, Approvals and Inspections, including but not limited to:

Mid Town Review Process and Approval

All applicable city and county building department permits and inspections

3. Soil, Drainage and Geology

All Owners should familiarize themselves with their Site and soils conditions. Soils reports and legal surveys may be required.

4. Location of Easements and Utilities

All Owners are responsible for locating all water, sewer, gas, electrical, cable television or other utility lines or easements on their Sites. Owners should not construct any structural Improvements within the easement areas without the consent of the affected utility

Construction Guidelines

1. No overnight parking or vehicle/ equipment storage is allowed. No vehicle repair or vehicle maintenance is to be performed on construction sites or in the adjoining areas.

2. There will be no dogs or other animals allowed on the job site unless they are confined within a vehicle or are on leashes. Any complaints against a dog on site will be a violation and the proper authorities will be notified.

3. All mud or debris from the site, which is carried onto the adjacent streets or sidewalks, must be removed within 24 hours.

4. No concrete trucks will be allowed to “clean out” or dump surplus except within the property lines of the building being constructed.

5. No alcoholic beverages or illegal drugs shall be allowed on any job site, common area, or public right-of-way.

APPENDIX 2: LANDSCAPE DESIGN GUIDELINES AND PROCEDURES

When preparing to landscape or when altering existing landscaping, a landscape plan is required, and is subject to these Landscape Design Guidelines and Procedures (the "Landscape Guidelines"). Because individual homesites vary, the Landscape Guidelines are written in general terms that define design principles, offer site planning guidelines, and clarify the Owner's responsibilities. Owners are encouraged to retain the services of a professional Landscape Architect experienced in site analysis and planning, landscape design, installation and plant materials.

Special consideration should be considered when landscaping within the drainage easements located on Lots 10, 11, 21, and 22. Unless modified by this committee, the City of Lafayette, and the Declarant, know no bushes, trees, boulders, or any material which would constrict ground water flow will be allowed.

The process for establishing the Committee and defining the specific duties and powers conferred on it is defined in the Declaration for Mid Town. The Committee reserves the right to revise these Landscape Guidelines as changing conditions and priorities dictate, in order to maintain maximum aesthetic benefits to the community, while enhancing property values.

A. LANDSCAPE REVIEW PROCESS

1. Landscape Considerations

When preparing the landscape plan for a residence, the Owner and/or designated designer will want to consider existing site conditions. Existing conditions should be noted. Outdoor living areas such as eating areas, gardens, play areas, water features, etc. should be considered.

2. Plan Submittal

Prior to submittal final drawings, the applicant shall submit a preliminary set of drawings that adequately illustrate all home elevations, identify materials, tentative colors, grading, and general landscape concepts. The Committee shall review these, meet with the applicant, and give general guidance prior to the applicant submitting final drawings.

Two copies of the plans shall be submitted containing the following information:

- a) Owner's name and address, and Designer's name address, telephone number, and Lot and block number.
- b) Final Site Plan at 1" = 30' or 1" = 20'; exterior elevation details, and building sections at 1/4" = 1'.

C) All existing conditions, including house, walks, driveways, patios, decks, walls, topography with a minimum 2 foot contour interval, drainage ways, neighboring landscape plantings along the property lines, natural features, easements, property lines, and other legal restrictions that may exist.

(d) All proposed improvements designed in accordance with the Landscape Guidelines including existing drainage ways, trees and shrub beds with botanical and common names of all plant materials including perennial and ground cover beds, sizes (WIDTH, CALIPER AND HEIGHT), all landscape features, such as walls, fences, gardens, hot tubs, pools, tennis courts, patios, decks, gazebos, water features, boulders, structures, play equipment, lighting, etc. The Committee recommends that all plants be drawn to indicate 75% of the mature size of the plants on the plan. If the proposed improvements materially change existing drainage patterns, then the plans shall show proposed grading with minimum contour intervals of 2 feet and the Committee may require such additional drawings, specifications or other plans as it deems appropriate.

The Committee will review the plan and will provide a written response no later than 30 days after the review, indicating approval of the plan, approval with modifications, or denial. If the plan is denied, a written response will be given explaining the reasons for denial. Any re submittal shall follow the submittal procedures and address the areas of concern. Construction must not begin prior to receiving a written approval from the Design Review Committee.

B. LANDSCAPE DESIGN

Grading and drainage

- a) Guidelines for grading and drainage are general and do not constitute a representation, warranty or agreement by the Committee, that adherence shall result in a residence and/or landscape which is free from any defects.

The Committee shall not be liable for any damages resulting from the design or construction of any home or landscaping which has been approved by the Committee pursuant to these guidelines or for any damages resulting from an Owners' failure to meet or exceed the minimum Landscape Design Guidelines set forth in these guidelines when necessary for the proper design and completion of residences or landscaping.

- b) Drainage for each lot must occur within the lot. The final drainage pattern should take the water from the lot out to the street or along the back property line. If drainage

occurs down the side of the Lot near the property line, grading should be done so that the water does not run onto neighboring properties.

ANTENNA/SATELLITE DISH RULES AND REGULATIONS

DEFINITION:

ANTENNA - Any device for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multichannel multipoint distribution service). 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.

STANDARD INSTALLATION:

- A- Any Owner who wishes to install an antenna may proceed without approval of the Design Review Committee if the installation is standard within Antenna Installation Location Guidelines and is of a standard size and ". If these standards are not met, a Design Review Committee request must be submitted for approval.

STANDARD ANTENNA SIZE AND TYPE:

- A. DBS and S antennas larger than one meter in diameter are prohibited.
- B. Transmission-only antennas are prohibited.

STANDARD INSTALLATION LOCATION GUIDELINES:

The standard for installation shall be:

- A. Antennas must be installed solely on the Lot Owner's property.
- B. No antenna shall encroach on common property.
- C. If a quality signal can be obtained from an indoor location, the antenna must be placed in such a manner.
- D. If an exterior installation is required, the antenna must be located in the backyard or the rear side of the home in as inconspicuous position as possible. If located in the backyard and not on the home, the antenna shall be placed below the fence line and located in such a manner so as to not be visible from the street.
- E. If a quality signal cannot be obtained within these standards, the Owner must submit written certification from a qualified installer, stating that a quality signal cannot be obtained within these standards and recommending a secondary location.
- F. The Design Review Committee reserves the right to require additional screening, if necessary.

ANTENNA INSTALLATION:

- A. Antennas must not create a potential hazard to any of the common areas or neighbor's Lots. Furthermore, all installations shall be adequately secured so as not to pose a potential hazard to any person and/or structure. All installations will comply with all applicable codes.
- B. Wiring shall be installed in such a manner as to be minimally visible and in the most concealed location possible.

Maintenance and repair of antennas are:

- A. Absolutely the responsibility of the Lot Owner.
- B. To be properly maintained so as not to pose a potential safety hazard to any person or structure.
- C. To be dealt with quickly and properly by the Lot owner when maintenance or repair is required. Maintenance and repair needs may be determined by the Association. In the event an antenna requires attention, a Lot owner shall be notified in writing by the Board of Directors that they must resolve the problem within the time frame determined by the Board of Directors.

RESPONSIBILITY:

- A. The owner of the antenna 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:
 - 1. Damage to any real or personal property caused by, related to, or arising from the installation due to dislodgment, use, or maintenance of any antenna.
 - 2. Injury to any person resulting from the installation of the antenna or its use.

MISCELLANEOUS:

- A. If any of these provisions are ruled invalid; the remaining provisions shall remain in full force and effect.
- B. The Board of Directors may amend this document from time to time as it deems necessary-
- C. To the extent that this document conflicts with any prior existing rule, restriction or design guideline, this document is controlling.
- D. All prior existing rules, restrictions or design guidelines not in conflict with this document shall remain in full force and effect.

NOTE: ANY OWNER OR RESIDENT OF THE COMMUNITY WHO DOES NOT FULLY COMPLY WITH THIS DOCUMENT WILL BE SUBJECT TO ANY FINE STRUCTURE AND/OR LEGAL ACTION WHICH THE ASSOCIATION MAY DEEM APPROPRIATE.