

THIRD AMENDMENT TO THE DESIGN GUIDELINES
FOR THE VENTANA COMMUNITY
AS SET FORTH BY THE ARCHITECTURAL COMMITTEE AND THE VENTANA
METROPOLITAN DISTRICT

This Third Amendment to the Design Guidelines for the Ventana Community, as set forth by the Ventana Metropolitan District and the Ventana Covenant Committee (“VCC”) which has been charged with exercising the powers and duties of the Architectural Committee (“AC”), is made and entered into to be effective as of this 27th day of March, 2024.

AMENDMENT

Sections 3.13, 3.17, 3.23, 3.8, and Article V are amended to read as follows:

Section 3.13, Exterior Lighting is hereby repealed and replaced in its entirety as follows:

AC approval is required to change or add any exterior lighting. In reviewing lighting requests, the AC will consider the visibility, style, location and quantity of the light fixtures. Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties.

Holiday décor must be securely anchored with electrical components sheathed for safety. The illumination of temporary holiday lighting shall be restricted between the hours of 10:00 p.m. to 6:00 a.m. each night.

Section 3.17, Play and Sports Equipment is hereby repealed and replaced in its entirety as follows:

“All play structures and equipment, both permanent and portable, are required to be approved by the AC for design, size, and placement prior to installation. All play/sports equipment (i.e., trampolines, swing sets, jungle gyms, etc.) are to be placed to minimize its visual impact from adjacent properties. Play equipment should typically be located in rear yard areas and set back a minimum of ten (10) feet from property lines unless otherwise approved by the AC.

Consideration shall be given to the location of play equipment so as not to create an undue disturbance on neighboring properties. Play equipment shall be of predominantly muted, earth tone colors (brown, black, dark green) and shall not

exceed eight (8) feet in height unless otherwise approved by the AC. Play equipment or items used for front or unenclosed rear or side yard play should be stored out of view when not in use. Out of view shall be defined as within the confines of the home or garage or within the confines of a fenced back yard.

Any type of play set, swing set or trampoline must be properly screened as a condition of approval in order to ensure that no unauthorized access is permitted. Properly screened shall be defined as within a completely fenced yard where the fencing is in compliance with the Association's design guidelines. Trampolines must be installed at grade level to minimize visual and auditory impact on neighboring Lots. No color, other than black or dark green shall be permitted on any play set, swing set or trampoline unless the color is screened from neighboring lots by a privacy fence around the back yard.

PORTABLE HOOPS: Portable hoops must be collapsible and incorporate a significantly weighted base. Portable hoops may be wheeled into the street, driveway, or sidewalk/right-of-way directly out front of the home for play but may not be left erected for any period of time, when not in use. All portable hoops must be collapsed and stored on the driveway or on the thin strip of landscaping beside the driveway when not actively in use.

PERMANANT HOOPS: All requests will be evaluated on placement and circumstances, as well as driveway/court area surface, visual screening, and proximity to neighbors.

Basketball backboards (portable & temporary) must be PERMANENTLY mounted on a pole or securely attached to the home.

All basketball equipment must consist of new materials and must be maintained in like-new condition. Damaged or frayed netting must be replaced immediately upon notification. Should any portion of the equipment become damaged or ill maintained, replacement or removal will be required within thirty (30) days of notice.”

Section 3.23, Trash Receptacles is hereby repealed and replaced in its entirety as follows:

Owners are to store their trash containers in the garage, secured and screened behind privacy fencing, or at the top corner of the driveway, flush against the home and abutting any existing walkway or path on the side of the home, except for the day of collection services. All containers are to have attached lid and be secured to prevent them from blowing away. Recycling containers must be maintained in a likewise manner.

Section 3.8, Driveways and Parking is hereby repealed and replaced in its entirety as follows:

Driveways shall be paved. Materials and colors other than grey concrete will require AC approval before installation.

The recorded plat for some filings may restrict access from some lots onto certain specified streets. These are called “Restricted Lots”. All persons or entities having any interest in any of the Restricted Lots are required to and shall arrange and maintain any drives, dwelling or other structures so that ingress and egress to and from their Lot(s) is in compliance with the restrictions shown on the recorded plat and the approved Development Plan. Extension or expansion of driveways requires AC approval. Any approved driveway expansion shall not be intended to promote the parking or storage of any vehicle off the driveway on a side yard. The AC will review requests for circular driveways on a case-by-case basis with consideration given to, but not necessarily limited to, the setback of the home from the street, and the size of the lot and distance of street frontage. On corner lots, the driveways should be set back from the corner a minimum of 30 feet from the intersection of the corner street. The width of the driveway shall not exceed 24 feet at the curb.

Recreational Vehicles (boat, trailer, camper, tractor, commercial vehicle, mobile home, motor homes, any towed trailer unit, motorcycle, all-terrain vehicle) may be parked on a driveway, provided it fits on the paved surface, without encroaching on the landscape or front sidewalk. Parking of Recreational Vehicles on the public streets shall be limited to 72-hours for loading and unloading in accordance with Ordinances the City of Fountain.

Article V, Establishment of Schedule for Fines, Penalties and Charges is hereby repealed and replaced in its entirety as follows:

ARTICLE V Compliance and Enforcement

Section 5.1 – Establishment of Enforcement Schedule

To facilitate compliance, the AC establishes the following schedule for enforcement of the Declaration, Rules and Regulations, and Design Guidelines:

Schedule of Notices

The VCC and Board of Directors has established the following enforcement process applicable to Property Owners whose property or persons (residents, tenants, or guest) are found to be in violation of the Ventana Metropolitan District Declaration or Design Guidelines at any time.

- 1) **1st Notice of Violation (*Courtesy Notice*):** Written notice to the Property Owner advising the nature of the alleged violation and requesting confirmation of compliance within fourteen (14) days.

- 2) **2nd Notice of Violation (*First Fine*):** Written notice to the Property Owner advising that the previously alleged violation has not been corrected, advising of the commencement of fines, and requesting confirmation of compliance within fourteen (14) days.
- 3) **Notice of Continued Violation (*Continued Fines*):** Written notice to the Property Owner advising that the previously alleged violation has not been corrected, advising of the imposition of automatically reoccurring fines every thirty (30) days until the Property Owner has provided verification of correction of the violation to Management.
- 4) **Perpetual Fines:** No additional notices are required, beyond the Notice of Continued Violation. The sole responsibility for confirmation of compliance is borne by the Property Owner, who must correct the violation and provide timely proof of the corrected violation to the District Manager to halt additional fines. The Board of Directors, the VCC, and the District Manager share no responsibility for pursuit of proof of correction. Additional fines will not be waived for reported delays in delivery of proof of correction, which result in additional fines.

Schedule of Fines, Penalties and Charges

The AC and Board of Directors has established the following Schedule of Fines, Penalties and Charges (“Fine Schedule”) applicable to the aforementioned Schedule of Notices.

- 1) **1st Notice of Violation (*Courtesy Notice*):** No Fine
- 2) **2nd Notice of Violation (*First Fine*):** \$25
- 3) **Notice of Continued Violation (*Continued Fines*):** \$50
- 4) **Perpetual Fines:** \$100 every 30-days perpetually

All fines imposed in accordance with this Fine Schedule shall be considered due and payable within thirty (30) days from the date of each Notice and shall be subject to a late fees for each subsequent thirty (30) day period in which any portion of the fine remains unpaid; in addition to interest at the established per annum rate.

Section 5.2 – Update and Publication

The AC may from time-to-time update, modify, change, add to, or eliminate this Schedule and will consistently publish and advertise the current version of the Schedule for general distribution to all Owners on the District’s website.

IN WITNESS WHEREOF, The Ventana Covenant Committee, has executed this Third Amendment to the Design Guidelines to be effective as of the day and year first written above.

VENTANA COVENANT COMMITTEE

Committee Chair

ATTEST:

Committee Director