

ANTELOPE PROPERTY OWNERS ASSOCIATION RULES AND REGULATIONS

Purpose: APOA Rules and Regulations are written and adopted, from time to time to provide clarification of the Protective Covenant (PC) provisions.

Background: Rules one (1) through five (5) were originally approved by a majority of a quorum of members at the January 13, 2004 Board Meeting as part of an addendum to the Bylaws. Per subsequent attorney review, these rules are not proper bylaws but should be contained in a separate Rules document since they clarify protective covenant provisions. To correct this discrepancy, creation of this document was approved at the November 13, 2007 Board Meeting.

Effective Date: Rules 1-5 November 13, 2007, others as noted

- 1. Compliance with Respect to the Number of Structures.** (PC para 4.1(d)) Upon submission of an improvement request related to the number of structures (such as a new building), the ACC shall determine the current number of structures on the lot. If more than the allowed number of structures currently exist on a lot, or if an improvement will result in too many structures, the request shall be approved contingent upon the property owner, a) obtaining proper permits, and b) removing the non-compliant, existing structure(s) within 30 days following evident completion of the new structure, not to exceed 270 days from the date the request was approved by the ACC.
- 2. Owner in Good Standing.** (PC para 2.3(b)(1)) The ACC will accept and process Requests for Improvement without regard to a property owner's standing, including dues status. The only criteria is that the person submitting the request be a Member of the APOA.
- 3. Additions and Breezeways.** (PC para 4.1(d)) An extension to an existing building does not constitute a separate building and is counted with the original structure. A structure is considered an addition or an extension to an existing building only if it is connected with a permanent structure and in architectural harmony with the original building. Connection can be by means of a shared wall, a permanent roof structure, or breezeway.
- 4. Setback Variances.** (PC para 5.2(b)) When a homeowner requests approval of a new structure or the extension of an existing structure that lies within a setback defined by the protective covenants, a variance must be obtained as follows: If the proposed setback does not meet that which is allowed by the governing body (i.e., City of Centennial, Arapahoe County), a variance must be obtained by the property owner from that body first and the ACC second. If the setback meets local government requirements but does not meet those dictated by the covenants, the property owner must first obtain written concurrence to the requested variance from the bordering neighbor(s) and then from the ACC.
- 5. Home Occupation.** (PC Section 6.5) The intent of this rule is to clarify the "No store, office or other place of business of any kind" clause of the covenants to only allow for home offices for residents performing consulting or professional services through e-mail, the Internet, the phone,

and (to a limited extent) through the United States mail, parcel post, a general delivery service or by private passenger vehicle. These activities will be considered "home occupations." No occupation of any kind will be allowed in Antelope that will change the character of the neighborhood or is commercial in nature. In order for a home occupation to be considered compatible with the neighborhood, the following criteria must be met:

- a. The home occupation must be conducted entirely within the principal dwelling structure.
- b. Not more than twenty percent (20%) of the garage area can be used for storage of permitted materials and goods associated with the home occupation. No storage of commercial vehicles primarily used for the home occupation is allowed.
- c. The home occupation will be conducted only by the residents of the principal dwelling and the home occupation will not involve any employees coming into the community.
- d. No visible advertising of the home occupation is allowed.
- e. No outdoor storage of goods or materials associated with the home occupation is allowed.
- f. No excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light, or dumping of materials produced by the home occupation is allowed.
- g. The receipt or delivery of merchandise, goods or supplies for use in a home occupation will be limited to the United States mail, parcel post or general delivery service or private passenger vehicle, but shall exclude truck and/or trailer-delivered goods or merchandise.
- h. A home occupation shall not change the appearance or character of the dwelling and/or neighborhood. Only materials goods and services normally associated with a dwelling unit shall be considered eligible for a home occupation.
- i. Sales conducted in conjunction with the home occupation shall be primarily by telephone or direct mail. Incidental pick-up of goods is permitted; however, a home occupation shall not generate an amount of traffic that affects the residential character of the neighborhood, nor shall it encourage congregations of people for extended periods of time.
- j. A home occupation will not use quantities of well water above those of normal household use, nor will discharge substances associated with the home occupation be allowed into the septic system in quantities above normal residential volumes or for substances not normally associated with normal residential use.

6. Covenant Amendment Process. (PC para 7.2(a)) [March 11, 2008]

- a. A covenant amendment proposal can be presented in person or in written form to the APOA Board of Directors at any regularly scheduled APOA meeting. The Board will schedule discussion and approve or disapprove bringing the proposal to a vote at the next regularly scheduled APOA meeting.
- b. (1) If the Board approves for vote the proposed covenant amendment, the APOA will seek input from interested parties and affected property owners.
 - (a) After the language for the proposed covenant amendment is mutually agreed upon by the APOA and other interested parties, the APOA will seek legal advice to ensure that the change is legally viable.
 - (b) Following legal approval, the APOA will call an informational meeting to provide information to APOA members and to solicit additional owner feedback.
 - (c) Following any modifications to the language, the APOA will conduct a vote on the proposed amendment following procedures outlined in Section 7.2(a) of the Covenants.
- (2) If the Board rejects the proposed amendment, the APOA will require that the interested party call a Special Meeting, as outlined in Section 4.2 of the By-Laws, to discuss and vote on the matter. If a quorum of property owners is present and the majority of property owners vote to approve the proposed amendment, the APOA will proceed as outlined in Section b(1) above.