

Article/ Section/ Paragraph	Current Wording	Proposed Wording	Explanation of Proposed Change
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**ARTICLE III – Use Restrictions – Sections 1-10
(Assumptions: ACC will be automatically inserted for Architectural Control Committee)**

3/0/1	The following restrictions, covenants and easements are imposed uniformly upon the Properties and the use thereof as a common scheme for the benefit of each Lot and may be enforced by the Architectural Control Committee, any Owner or the Association.	The following restrictions, covenants and easements are imposed uniformly upon the Discovery Subdivision, and are used to maintain the natural look and character of each Lot, and may be enforced by the ARC, any Owner, <u>or the Board</u> .	Conforms to previous definitions.
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3/1/1	<p>Section 1. <u>Land Use, Building Type and Occupancy.</u> Lots shall be used solely for one detached single family residential dwelling purposes not to exceed thirty-five (35) feet in height. However, in no case will structures exceed in height sixteen (16) feet above the highest point on the Lot except where this height restriction is waived by the Architectural Control Committee on relatively flat Lots where the committee determines that the views from other Lots will not be adversely affected. No building shall be permitted on any Lot unless such building has been duly constructed thereon and the removal of dwellings or structures from other locations to any Lot shall not be permitted. A private garage for not less than two (2) cars shall be provided with each single family dwelling, and in accordance with the set back requirements herein contained.</p>	<p>Section 1. <u>Land Use, Building Type and Occupancy.</u> <u>Lots shall be used solely and exclusively for private, single family dwelling purposes as determined by the Board. Multi-family dwellings or uses shall not be permitted on any Lot. Lot owners shall abide by the applicable zoning ordinances of the City of Colorado Springs. No building or structure, whether attached or detached, shall be permitted on any Lot unless such building or structure has been approved by the ARC and applicable governmental authorities and duly constructed thereon.</u> The removal of dwellings or structures from other locations to any Lot shall not be permitted</p>	<p>Allows more than one structure on a lot with certain conditions.</p> <p>Specific height and set back specifications were deleted, they are controlled by City ordinances and are more restrictive.</p> <p>Added the words “—structure, whether attached or detached, -- “ to the sentence which requires that they be constructed on the Lot.</p> <p>Deleted – “A private garage for not less than two (2) cars shall be provided with each single family dwelling”. This requirement is repeated below.</p>
3/2/1	<p>Section 2. <u>Subdivision.</u> No further subdivision or resubdivisions of any Lot or combination of Lots as shown</p>		<p>Deleted. Controlled by City ordinances.</p>

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	on the recorded plat shall be permitted.		
3/3/1	Section 3. <u>Building Size</u> . No dwelling shall be permitted on any Lot in which the finished living area on the primary level, exclusive of open porches and garages, is less than 1400 square feet.		Deleted. No longer relevant. The ARC has authority to required quality construction. A large and expensive structure could be unattractive.
3/4/1	Section 4. <u>Buildings Costs</u> . No dwelling shall be permitted to be constructed on any Lot at a cost of less than \$50,000 based on the cost levels prevailing on the date these covenants are recorded. It is the intention and purpose of this covenant to insure all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost dated herein for the minimum permitted dwelling size.		Deleted. Same as above.
3/5/1	Section 5. <u>Building Location</u> . No building shall be located on any Lot or building site nearer to the front Lot line or nearer to the side street lines than shall be allowed by the applicable zoning ordinances of the City of Colorado Springs, Colorado;	Section 2. <u>Building Location</u> . <u>No building shall be located on any Lot or building site nearer to the front Lot line or nearer to the side street lines than shall be allowed by the applicable zoning ordinances of the City of Colorado Springs, Colorado.</u>	Deleted specific set backs, They are controlled by City ordinances.

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	<p>but in any event, no building shall be located on any Lot nearer than twenty (20) feet to the front Lot line or nearer than fifteen (15) feet to any side street line. No building shall be located nearer than five (5) feet to an interior Lot line and no dwelling shall be located on any Lot nearer than twenty (20) feet to the rear Lot line. For the purposes of this covenant, eaves, steps and open porches shall be considered as part of the building.</p>		
3/6/1	<p>Section 6. <u>Building Construction.</u> All buildings erected on the Properties shall be designed and constructed in accordance with the following standards:</p>	<p>Section 3. <u>Building Construction.</u> All buildings erected within the Discovery Subdivision shall be designed and <u>constructed in accordance with the standards which are set forth by the ARC and approved by the Board,</u> which should include the following standards:</p>	<p>Added wording which will allow control of all construction standards if not specifically listed.</p>
3/6/2	<p>a) Roof materials shall be shake or cedar variety shingles unless a different material is approved by the Architectural Control Committee.</p>	<p>(a) Roofing material shall be Class A fire rated, heavy weight, high definition, composite shingles; concrete or composite tiles; or slate; or comparable material. Color shall be that of wood tones. Standard 2 tab, 3 tab, or T-lock asphalt shingles are <u>not</u> permitted. Alternate materials and colors will be considered by the ARC.</p>	<p>Describes specifications for roofing material. Wood singles are not allowed by City ordinance.</p>
3/6/3	<p>b) Gutters are not required; however, if they are used, gutters and downspouts shall be constructed of wood or</p>		<p>Deleted. No longer relevant. All the exterior of a building must be earth tone.</p>

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	<p>3/6/4</p> <p>Painted to blend with the earth tone colors of the dwelling.</p> <p>c) Aluminum or wood windows are allowed; however, if aluminum windows are used, they must be anodized or painted to blend with the earth tone colors of the dwelling.</p>		<p>Deleted. Fiber glass windows are common and all exteriors must be earth tone. Bright accent colors are allowed.</p>
	<p>3/6/5</p> <p>d) Mailboxes will be designed by the Declarant; and this design will be used throughout the subdivision.</p>	<p>(b) An Association mailbox design will be used throughout the Discovery Subdivision. See Exhibit B attached to these 2012 Covenants as "Discovery HOA Mailbox Design", provided however, Filing 5, Woodmen Road, is excluded from this provision of the Exhibit B due to U. S. Post Office requirements.</p>	<p>This provides, as an exhibit, the mailbox specifications required by the original Covenants..</p> <p>Filing 5, Woodmen Road, is excluded from this mailbox requirement.</p>
	<p>3/6/6</p> <p>e) Only earth tone colors shall be used on exterior siding and garage doors.</p>	<p>(c) <u>Only Earth Tone colors shall be used on the exterior of all buildings. Bright accent colors can be used in small areas to add interest and variety such as on door panels and small wall areas.</u></p>	<p>The second sentence, which is Section 6. (k) in the original Covenants, was added here to keep exterior color requirements together.</p>
	<p>3/6/7</p> <p>f) Garage doors shall be wood or wood composition material only.</p>		<p>Deleted. No longer relevant. About half of the garage doors in Discovery are metal.</p>
	<p>3/6/8</p> <p>g) All exterior walls shall be constructed of wood, stone,</p>	<p>(d) <u>All exterior siding must have a matt textured finish that blends with the architecture</u></p>	

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	<p>stucco, or brick. Wood can be stained or left natural to weather. Painting exterior wood shall not be allowed. Stucco must be either dark tan or brown in color. Stone must be left natural and shall not be painted. Brick shall be limited to sand brick, clinker brick and bricks without a sheen appearance, brick with a color that blends with the natural surroundings. Standard red brick is an example of a disapproved material.</p>	<p><u>of the house.</u></p>	<p>Deleted specific material requirements for house exteriors. Some of the requirements are no longer practical or enforced.</p> <p>All exterior colors should be earth tone.</p>
/6/9	<p>h) Only two (2) combinations of the allowed materials may be used unless prior approval of the Architectural Control Committee is obtained.</p>		<p>Deleted. No longer relevant.</p>
3/6/10	<p>i) Only two (2) and three (3) car-sized garages are allowed. No carports will be permitted.</p>	<p>(e) No less than a two car garage is allowed. No carports will be permitted. Oversized garages will be considered by the ARC on a case by case basis.</p>	<p>. Four car garages are now common in many subdivisions.</p>
3/6/11	<p>j) Exposed concrete will be allowed only when it is textured or patterned and is to be approved by the Architectural Control Committee. All other exposed concrete must be stuccoed.</p>	<p>(f) Exposed concrete will be allowed only when it is textured or patterned and is to be approved by the ARC. All other exposed concrete must be stuccoed.</p>	<p>Changed Architectural Control Committee to ARC.</p>
3/6/12	<p>k) Bright accent colors can be used</p>		

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	in small areas to add interest and variety such as on door panels and small wall panels.		
3/7/1	Section 7. <u>Building Design</u> . Only custom designed homes will be approved; standard builder models will not be allowed. The design should be done in an effort to protect as much of the natural environment as possible, minimizing the removal of trees and the disturbance of the natural topography and native vegetation. Modern, multi-level, shed roof dwellings using natural materials will be encouraged.	Section 4. <u>Building Design</u> . Only custom designed single family homes, additions and other structures, whether attached or detached, will be approved. The design of the home, addition or other structure should be done with similar or compatible materials and architecture and should be done in an effort to protect as much of the natural environment as possible, minimizing the removal of trees and the disturbance of the natural topography and native vegetation.	<p>Conforms to original intent, all structures are to be custom designed.</p> <p>Deleted, “Modern multi-level, shed roof dwelling using natural materials will be encouraged.”</p>
3/8/1	Section 8. <u>Fences or Walls</u> . Fences or walls are encouraged to enclose limited areas on the Lot where privacy is desired in either the front, side or rear yard. Fencing the entire Lot or long continuous fences on any Lot lines will be discouraged except along the Lot lines that adjoin the City Park. All fences or walls will be consistent with and a visual extension of the architecture of the house. Similar materials will be used and the scale will be appropriate.	Section 5. <u>Fences or Walls</u> . Fences or walls may be used to enclose limited areas on the Lot where privacy is desired in either the side or rear yard. <u>Fencing the entire Lot or long continuous fences on any Lot lines will not be permitted, except along the Lot lines that adjoin the City Park.</u> All fence designs must be approved by the ARC.	<p>Changed, “Fences or walls are encouraged” to “Fences or wall may be used”. Don’t want to encourage fences.</p> <p>Removed front yard as a location where fences may be constructed.</p>

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3/9/1	<p>Section 9. <u>Removal of Trees.</u> The removal of trees, shrubs and other landscaping will not be allowed unless the landscaping is replaced by a comparable and must be approved by the Architectural Control Committee. No existing trees, rocks, scrub oak or other natural vegetation shall be removed from the Lot unless required in the construction of the dwelling and must be approved by the Architectural Control Committee. If trees must be removed, they must be replanted on the Lot if possible or the Architectural Control Committee must be advised thirty (30) days prior to the removal of any tree that will not be replanted on the Lot so that the Committee will have the opportunity to replant the tree, if possible, in another area within the development. The existing natural vegetation, trees and rock outcroppings that are to remain on each Lot must be maintained without change.</p>	<p>Section 6. <u>Removal of Trees.</u> The removal of live trees, live scrub-oak, and other live natural landscaping will not be allowed unless approved by the ARC. <u>The removal of dead, diseased, or infected trees, shrubs, or plants is encouraged and does not require ARC approval. Trimming, pruning, and vegetation control prescribed by legal authorities does not require ARC approval.</u></p>	<p>Not realistic to expect homeowners to get permission every time they want to remove dead vegetation.</p> <p>It is also not realistic to expect the homeowner or the ARC to replant every tree. This requirement was removed.</p>

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3/10/1	<p>Section 10. <u>Landscaping</u>. Excluding paved driveways, patios and sidewalks, all areas of the Lot are to be grassed, shrubbed, treed or otherwise landscaped. Preservation of the natural landscaping will be encouraged and only those areas that are disturbed or graded during the course of construction or that are enclosed by walls or fences can be replanted with landscaping not native to the area. Substitute materials such as rock, gravel or paving must be approved by the Architectural Control Committee and will generally be discouraged. Landscaping shown on the approved plot plan must be completed within one (1) year after construction of the house has been completed.</p>	<p>Section 7. <u>Landscaping</u>. <u>Excluding paved driveways, patios and sidewalks, all areas of the Lot are to be grassed, shrubbed, treed, xeriscaped or otherwise landscaped.</u> Preservation of the natural landscaping is encouraged. Landscaping for existing homes must be completed within six (6) months after ARC approval. Substitute materials such as rock, gravel or paving must be approved by the ARC. Landscaping shown on the approved plot plan for a new house or addition must be completed within one year after construction of the house or addition has been completed.</p>	<p>Added “xeriscaped” to type of landscaping.</p> <p>Deleted details about where natural landscaping may go and that it needs ARC approval. No longer realistic. Article II, Section 2, states that the ARC has to approve landscaping.</p>

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