

FOREST LAKES METROPOLITAN DISTRICT (FLMD)**1 January 1998**

The District is a quasi-municipal organization better known as a Special District and incorporated on July 18, 1973 to provide the Public Works needs of the Forest Lakes Community. The District is a political subdivision of the State of Colorado governed primarily by the Special District sections of the Colorado Revised Statutes as regulated by the Colorado Department of Local Affairs. The District is authorized to levy and receive property taxes, fees, rates, tolls and charges for the delivery of water, sewer, road and recreational services. The District is governed by a five member Board of Directors which is elected by Colorado electors to serve four year terms. The Forest Lakes Metropolitan District was formed to provide a public use that promotes health, safety, prosperity, security and general welfare of the inhabitants of the Forest Lakes Metropolitan District and for the people of the State of Colorado.

DECLARATION OF COVENANTS AND RESTRICTIONS FOR ALL UNITS IN THE FOREST LAKES DEVELOPMENT. THIS REVISION SUPERSEDES THE FOLLOWING:

Unit I - The original Declaration recorded Jan 16, 1970 in the Recorder's Office of La Plata Co. as Reception # 358325 and amendment dated June 9, 1978, Reception # 420890.

Unit II - The original Declaration recorded July 12, 1971 in the Recorder's Office of La Plata Co. as Reception # 365395 and amendment dated June 9, 1978, Reception # 420891.

Unit III - The original Declaration recorded June 26, 1980 in the Recorder's Office of La Plata Co. as Reception # 444433.

Unit IV - The original Declaration recorded Apr. 10, 1973 in the Recorder's Office of La Plata Co. as Reception # 376407 and Amendment 1, dated May 23, 1975, Reception # 391630; Amendment 2, dated April 13, 1976, Reception # 399529; Amendment 3 dated June 8, 1976, Reception # 400757; Amendment 4 dated June 13, 1978, Reception # 420892; Amendment 5 dated July 28, 1992, Reception # 630982.

Unit V - The original Declaration recorded May 16, 1975 in the Recorder's Office of La Plata Co. as Reception # 391493 and amendment dated August 29, 1980, Reception # 446939.

I. FOREST LAKES PROPERTY OWNER'S ASSOCIATION (FLPOA)

The Forest Lakes Property Owners Association (FLPOA) was incorporated in 1983 and achieved Declarant status in all Units in 1996. The FLPOA interprets and applies the provisions of this Declaration of Restrictions and shall hold each requirement to the maximum in order to:

- a. Maintain, preserve, enhance and protect the property values and assets of the community.
- b. Promote the health, safety, prosperity and general welfare of all Forest Lakes property owners and residents.
- c. Preserve the common scheme and harmonious design of the community.

1. Membership in the Association. From and after the effective date of this amended Declaration, all properties within Forest Lakes shall be subject to the Forest Lakes Property Owner's Association, Inc. (Declarant), a Colorado non-profit corporation, hereinafter FLPOA, and the owners of all lots in Forest Lakes shall be eligible for membership in such Association, with all rights, responsibilities, and privileges of such membership, subject to the Articles of

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Incorporation, By-Laws and Rules and Regulations, as the same may from time to time be amended.

2. Power and Duties of the Association. The FLPOA may exercise all powers conferred upon it by these Declarations, together with such powers as may be contained in the Articles of Incorporation and the Colorado Corporation Code not reasonably inconsistent with the powers and purposes set forth in these Declarations. Such powers shall include, but not be limited to the following:

- a. The power to enforce, by litigation if necessary, all provisions of these Declarations.
- b. The power to appoint a Committee of Architecture, pursuant to Article II of these Declarations, and to hear appeals from Committee decisions.
- c. The power to establish a Covenants Committee pursuant to Article III of these Declarations.

II. COMMITTEE OF ARCHITECTURE. (FLCOA)

1. The FLPOA Board of Directors shall appoint a Committee of Architecture (FLCOA). The FLPOA shall have the power to determine the number of members to be on this committee. One member may be appointed by the FLMD. The FLPOA Board shall have the authority to remove any member of the committee by a majority vote of the Board Members.

2. The general purpose of the FLCOA is to ensure that high architectural standards are maintained with the help of the Covenants Committee overseeing compliance to these restrictions pertaining to the construction, alteration, or addition to new or existing homes, which may not normally receive a final inspection.

3. The FLCOA may adopt reasonable administrative rules and regulations, subject to the approval of the FLPOA Board, for the conduct of their proceedings. Changes in such rules and regulations of the FLCOA require a majority vote of the members of the Committee and the approval of the FLPOA Board. A variance to these Declarations pertaining to construction and architecture, may be granted on a limited, individual basis by reason of terrain or hardship, by the FLCOA, subject to approval by a majority vote of the FLPOA Board.

III. COVENANTS COMMITTEE

1. The FLPOA Board shall appoint a Covenants Committee, and shall have the power to determine the number of members to be on this committee. One member may be appointed by the FLMD Board of Directors. The FLPOA Board shall have the authority to remove any member of the committee as it deems necessary.

2. The general purpose of the Forest Lakes Covenants Committee is to enforce this Amended Declaration in order to enhance the aesthetic and economic values of Forest Lakes, including those matters which have been approved by the FLCOA, but normally do not receive a final inspection.

3. The Forest Lakes Covenants Committee shall be guided by and controlled by this Amended Declaration of Restrictions, and shall oversee compliance with the Covenants and Restrictions contained herein. The committee may adopt reasonable rules and regulations, subject to the approval of the FLPOA Board, for the conduct of their proceedings. Changes of such rules and regulations require a majority vote of the members of the Committee and approval of the FLPOA.

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Board. A variance to the covenants may be granted, on a limited, individual basis, by the Covenants Committee subject to FLPOA Board approval.

IV. CONDITIONS

1. Unit I. Lots 1 through 150, inclusive, and 190 through 227, inclusive, are designated Single Family Residential.
Lots 151 through 189, inclusive, and 228 through 384, inclusive, are designated Single Family Residential or Single Family Mobile Home Lots.
2. Unit II. Lots 1 through 154, inclusive, and 275 through 421, inclusive, are designated Single Family Residential.
Lots 155 through 274, inclusive, are designated Multiple Family Residential Lots.
3. Unit III. Lots 1 through 323, inclusive are designated Single Family Residential lots.
Parcels "A" and "B" are designated Greenbelt Recreational.
4. Unit IV. Lots 1 through 322, inclusive, and 344 through 404, inclusive, are designated Single Family Residential.
Lots 323 through 343, inclusive, are designated Multi-Family Residential.
Lot 415 is designated Commercial
Lots 405 through 414, inclusive, are designated Greenbelt Recreational
5. Unit V. Lots 1 through 124, inclusive, shall be designated Single Family Residential.
6. All lots shall be used in accordance with the Definitions and General Land Use Regulations of these Covenants and Restrictions.
7. The Declarant's right to convey and/or dedicate rights-of-way and easements of strips of land within or along the side and rear lot lines of all lots for public utilities, television, communication cables and for drainage purposes, as necessary or required by law or appropriate agencies, including additions to or enlargements of easements already of record has been assigned to the FLMD. These rights shall run with the land.

V. IMPROVEMENT STANDARDS & ALTERATIONS

No excavation or construction may begin prior to the submission and approval of submitted plans by the FLCOA. The Committee has the right to refuse approval of any plans which do not comply, in its opinion, with these Covenants and Restrictions. The plans submitted to the FLCOA must be the same as those submitted to the La Plata County Building Dept.

1. No structure of any kind may be erected or placed on any lot until two sets of complete plans, including a fully dimensioned plot plan, showing the location of the driveway, parking areas, and approximate location of the septic system (if not located on the central sewer) are submitted to and approved by the FLCOA. Approval of the plans will be by written endorsement of the committee on one set which will be returned to the owner of the lot or the contractor submitting them for the owner. The other set will be retained permanently by the FLCOA. The FLCOA may require changes to assure compatibility of the structure with other dwellings in the immediate area. All local, county, state and/or federal rules and regulations must be complied with. No exterior changes or deviations from approved plans are permitted without prior approval of the FLCOA.
2. No fence, covered patio or structure (new or used) of any kind may be erected or placed on any lot nor may any exterior be changed or added to, including the repainting of the exterior in a different color without the prior approval of the FLCOA. Children's swing sets are exempt from

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the need for approval. A permanently constructed children's playhouse does require prior approval.

3. Any new construction or alteration shall be completed within 180 days from the date of approval by the FLCOA. An extension of time, if requested, may be granted by the FLCOA if in the opinion of the Committee there is appropriate and adequate justification, such as an unexpected delay between the time of approval and the start of construction. Under no circumstances will an extension of more than 180 days be granted. If completion is not reached within 360 days another application must be presented to the FLCOA and an additional fee, in accordance with the current fee schedule, must be paid before a final inspection will be made by the FLCOA. Final inspection is necessary to convert temporary construction water service to permanent household water service.

4. No temporary buildings may be placed on any lot except as provided in Sect. VI, 7b. A travel trailer or RV may be used as a residence of the owner and his family or by a contractor during construction but only after obtaining approval from the FLCOA in writing. Construction plans, for a permanent residence, must be submitted and approved before such approval will be granted. All sanitary requirements and time limits must be complied with.

5. Neither the FLCOA nor the FLPOA or any of their members may be held responsible for any defects in structures erected according to plans approved by the committee.

VI. DEFINITIONS AND GENERAL LAND USE REGULATIONS

Definitions, for purposes of these Covenants and Restrictions are listed in *ITALICS* immediately under the captions below, and followed by the Regulation concerning that item. Where definitions are self evident they are omitted.

1. **ACCESSORY BUILDING**. - *A building or structure which is subordinate to, and the use of which is incidental to that of the principal building, structure or use on the same lot.*

a. An accessory building may be placed on a lot after it has been approved by the FLCOA as to design and location on the lot. Accessory buildings shall not extend into any set-back or easement.

b. Accessory buildings shall not be used for dwelling purposes, except as temporary guest quarters to the main residence. Accessory buildings are not to include cooking facilities and shall not be leased or rented.

2. ADVERTISING, SIGNS, OR BILLBOARDS

a. No sign, advertisement, billboard, or advertising structure of any kind is allowed on any lot, occupied or unoccupied, or in any easement or greenbelt areas except as allowed by "b" below. All signs in the commercial zone must be approved by the FLCOA and none may be attached to trees.

b. The following signs are permitted:

- (1) A standard, free standing, Real Estate "For Sale" sign.
- (2) A resident identification and/or street number sign of a reasonable size.

3. ANTENNAS, AIR CONDITIONING UNITS, WATER SOFTENING UNITS OR THERMAL HEATING PANELS.

No structure other than a TV antenna or satellite dish no larger than 25" in diameter may be placed on the roof without prior approval of the FLCOA.

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4. BUILDING EXTERIOR, AND ROOFING

a. The exterior portions of all buildings, except roofs, must be wood, wood products, or of a material approved by the FLCOA, and must be painted, stained or otherwise finished immediately upon completion.

b. Exposed foundation walls may be faced with other than wood products as approved by the FLCOA.

c. The exterior color of all dwellings or buildings must be forest blending or earth tones so as to blend with the surrounding terrain

d. No new structure may have asphalt, rolled composition, corrugated fiberglass or wooden shake or shingle roofing. Asphalt composition shingles are acceptable, but metal roofing is preferred for fire safety. No galvanized metal roofing is allowed. The color and material must be approved by the FLCOA prior to installation.

5. BUILDING HEIGHT. - *The vertical distance as measured from the lowest point adjacent to the foundation.*

No building may exceed the height of thirty-five (35) feet

6. BUSINESSES.

No business may be conducted from a home unless it meets the standards defined under "Home Occupation" (see item 16)

7. CAMPING UNIT - *any pick-up camper, motor home, travel trailer (or 5th wheel), tent or tent trailer not exceeding the legal width and length for highway travel and designed specifically for recreational and/or vacation purposes.*

a. Because of the size of the lots, and the density in Units IV and V, no camping is allowed except as provided for during construction. The owners of any lot in Units I, II, and III, may camp on their lot for a period not to exceed 150 days in any twelve (12) month period. All property owners including those in Units IV and V may camp on their lot for a period not to exceed 180 days in any twelve (12) month period during construction of a dwelling unit.

b. Camping Units may be used as temporary non-rental guest residences for up to ninety (90) days per year (including Units IV & V) if there is a residential dwelling unit on the lot. The determination of the Forest Lakes Covenants Committee as to when the ninety (90) day period has expired is final.

c. Any occupied, self-contained, travel trailer or motor home must adhere to the sanitary requirements of these Declarations and local governmental requirements. All other campers in lieu of possessing self-contained vehicles for septic purposes must supply themselves with a chemical toilet for their period of stay.

8. CABANA. (See 20 a (3))

9. CARPORT - *A permanently roofed structure with one or more open sides used or intended to be used for automobile shelter and storage.*

Storage of miscellaneous material in a carport must be concealed from public view in cupboards or enclosures built in the end or side of the carport.

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COVENANTS

10. DWELLING

a. *SINGLE FAMILY - A dwelling designed for occupancy by one family.*

(1) Only one single family dwelling per lot. Owners of Single Family lots in Units I or II, at the time these Revised Covenants are approved and recorded, shall retain the right to have two detached single family dwellings on one lot provided that all other requirements are complied with. When these lots change ownership and this privilege has not been taken, the right will not pass on to the new owner. They will become Single Family lots with only one (1) single family dwelling allowed per lot.

(2) A single family dwelling is limited to occupancy by only one family, except for visiting guests.

b. *MULTIPLE FAMILY - a building or buildings designed for occupancy by two or more families.*

(1) Townhouse, condominium or other multiple family dwelling use is permitted, on lots designated as "Multiple Family" lots, with such accessory buildings as allowed in this declaration, provided nothing is in violation of these Covenants or any county or state regulations. (See Items 22 b. and c.)

(2) Spaces between any two buildings on the same lot must be no less than ten (10) feet.

(3) After these revised covenants and restrictions are approved and recorded, those lots which were designated as Multiple Family lots will remain as Multiple family lots until there is a change of ownership. Thereafter, unless a multi-family dwelling has been built on the lot, they will be designated as Single Family Lots and will be governed by the "Single-Family" lot regulations and restrictions.

c. OCCUPANCY OF DWELLINGS.

No dwelling may be occupied until it is completed to the satisfaction of the FLCOA and the La Plata County Building Department.

11. EASEMENTS

a. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat, or as later established by the FLMD.

b. Property owners must not do anything which would in any way interfere with the use of any recorded easement or right-of-way.

12. FENCES

a. Fence plans must be approved by the FLCOA, as to type and location, prior to construction. Fences may be erected to a height not exceeding four (4) feet, provided they are not closer than twenty-five (25) feet to a street right-of-way, and do not block the view.

b. Fences may be of chain link or other approved material up to six (6) feet in height to retain dogs. No perimeter fence may be higher than 4 ft.

c. No privacy fences are allowed.

d. No fence, hedges, trees, plants, shrubs or foliage may be placed or planted in such a manner that in the opinion of the of the FLCOA or the Covenant Committee they could create a serious potential hazard, such as blocking visibility for motor vehicles approaching an intersection.

13 FIREARMS.

No hunting or discharge of firearms, for safety reasons, is allowed within the boundaries of Forest Lakes Metropolitan District.

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14. FIRES AND FIREPLACES

a. NO OUTSIDE FIRES ARE PERMITTED IN FOREST LAKES. No incinerators for the burning of trash are allowed. Outside cooking is permitted only in a propane barbecue grill, a charcoal broiler, a smoker, a regular camp cook stove (gas or propane), or a constructed grill which has been approved by the FLCOA. Any existing outside cooking facilities already constructed at the time that these revisions are approved shall apply to the FLCOA for a safety inspection and approval before subsequent use. All approved cooking equipment used outside shall be used only on a deck, patio, or an area cleared for fire safety.

b. All fireplaces and chimneys must be protected from flying sparks by the use of an approved spark arrestor.

c. Anyone observing a fire violation should call the fire dept (911).

15. GARAGE - *An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles belonging to occupants in the building to which such garage is accessory.*

16. HOME OCCUPATION - *Any occupation or profession customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which does not include visitations by customers or excess deliveries.*

a. Such use must be clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes. No employees, and no mechanical equipment except for that which is customarily used for domestic, hobby or household purposes may be used in connection with a home occupation.

b. A theater, saloon, or other place of entertainment; a clinic, hospital, barber shop, beauty salon, animal hospital, child care facility, advertising or public relations agency, interior decorator's office or workshop, real estate or insurance office, or similar uses are not home occupations.

17. LIVESTOCK, POULTRY AND PETS

a. No livestock or poultry may be raised, bred or kept on any lot. Dogs and cats or other household pets may be kept as long as they are confined to the owner's property, not kept for any commercial purposes, and not kept in quantities which create an annoyance or nuisance to the neighborhood. Dogs, when off the owner's property and on any roadway within Forest Lakes, must be kept on a leash for the safety of vehicles, the animal and the owner. When in an open area, not on a roadway, they may be walked without a leash if under the supervision and voice control of the owner.

b. Lot owners of record in Units I and III at the time these revised Covenants are approved and recorded, may have up to two horses which shall be kept to the rear of the lot. When property changes ownership the horse privilege is not extended to the new owner unless the previous owner had taken advantage of this privilege.

18. LOT - *Any lot, parcel, tract of land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Declaration of Covenants and Restrictions.*

19. LOT COVERAGE - *The percentage of the area of a lot which is occupied by a building or other covered structures.*

Lot coverage may not exceed that amount recommended by La Plata County.

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20. MOBILE and MODULAR

a. *A MOBILE HOME is any manufactured, factory assembled, structure which is equipped with the necessary service connections and made so as to be readily movable as a unit or units on its/their own running gear and which is designed to be used as a dwelling unit which does not meet the standards set forth herein for a MODULAR HOME; or as changed in definition by the state or county.*

(1) A MOBILE HOME may be installed on those lots designated as Single Family Mobile Home lots, subject to the restrictions set forth herein. (See Pg. 3, IV Item 1)

(2) Mobile home privileges shall apply to the owner of record of any Single Family Mobile Home lot at the time these Revised Covenants are recorded, but shall not be extended to any person following a change of ownership of that lot unless a Mobile Home which complies with these covenants was located on that lot at the time of the change of ownership.

(3) A Mobile Home moved onto any Single Family Mobile Home lot must have a free standing cabana built around it in such a manner that all parts and color of the mobile unit are hidden from view, including all sides and roof. Plans for the cabana must be submitted with the plans for moving the Mobile Home onto the lot and the cabana must be completed within the same time limits allowed for new construction.

b. *A MODULAR HOME is any structure designed for residential occupancy, which is wholly or in substantial part, made, fabricated, formed or assembled in a manufacturing facility for installation, or assembly and installation on a permanent foundation at a building site, and has a Colorado Division of Housing "Factory Built Unit Certificate". This shall have the effect of certifying that the home has been constructed in accordance with the provisions of the Uniform Building Code in effect in La Plata County, Colorado and which is in fact installed on a permanent perimeter foundation, has a sloped roof, and the exterior is of a material and color which is approved by these covenants and meets all minimum square foot requirements imposed herein.*

21. NUISANCES

a. No obnoxious or offensive activities, as determined by the FLPOA, may be carried on upon any lot. Nothing may be done that is or could become an annoyance or nuisance or aesthetically detracts from the appearance of the neighborhood.

b. Outside lights should be turned down or shielded in such a manner as to keep the light from shining beyond the boundaries of the lot upon which they are installed.

c. No object, under repair, junk, or unlicensed, such as a camping unit, boat or motor vehicle may be kept on any lot unless within an enclosed garage.

22. PARKING SPACES - *Spaces designed for the parking of personal vehicles. Parking spaces must be connected to a driveway for ingress and egress. Driveways should be constructed in such a manner that no on-lot drainage flows onto any public road.*

a. No on-street parking is allowed because of clearance for emergency vehicles. No vehicle of any kind or description may be parked within any right-of-way. Off-street parking spaces must be provided in accordance with FLPOA, local, county, and/or state requirements. A minimum of two (2) off-street parking spaces must be provided for every single dwelling unit. Commercial vehicles used for personal transportation must not exceed 10,000 pounds GVW. (see Item 7 for exception.)

b. Multiple family dwellings must provide a minimum of two and one half (2 1/2) parking spaces for every dwelling unit. Every parking space must be a minimum of ten (10) feet

by twenty (20) feet except that one of every five (5) may be eight (8) feet by eighteen (18) feet. No parking shall be permitted within the front setback area of lots used for townhouses and/or multiple family dwellings.

c. Parking areas and walkways for multiple family use must be lighted at night. A single duplex is not included in this requirement. Outside lighting shall be turned downward or shielded in such a manner as to prevent any light from shining beyond the boundaries of the lot upon which it is installed. Walkways must be provided as necessary to assure safe pedestrian circulation.

23. SANITARY REQUIREMENTS.

a. All dwelling units must be connected to the central water system and the central sewer system or a septic system constructed and approved in accordance with the requirements of the County Health Dept.

b. Those camping on their lots must meet the sanitary requirements as outlined under "Camping Unit", item 7 of this section.

c. Contractors or "Home Owner Builders" must provide a portable sanitary facility for use during construction. A self-contained, regularly pumped camping unit meets these requirements.

24. SETBACKS - *Set-backs are to be measured from property lines (not from road's edge) to any protrusion of a dwelling structure (such as roof projection, decks, and stairways.)*

a. Single Family or Single Family Mobile (designated lots in Unit 1 only)

<u>Unit #</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1, 2, &3	30 Ft.	20 Ft.	20 Ft.
4 & 5	25 Ft.	10 Ft.	20 Ft.

b. Multi-Family

<u>Unit #</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
2	30 Ft.	30 Ft.	20 Ft.

c. Commercial or Multi-Family

<u>Unit #</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
4	25 Ft.	30 Ft.	20 Ft.

d. In the case of corner lots, no structure may be located on any building site less than the designated front setback from any lot line adjacent to a street.

e. Multi-family lots are governed by the above setbacks (also see item 22 b & c).

25. SQUARE FOOTAGE REQUIREMENTS (MINIMUM LIVING AREA) *The area measured from outside wall to outside wall enclosing the finished living area, exclusive of that area designated and used as a garage.*

a. Minimum square footage for living space, exclusive of garages, patios, porches, etc. for dwellings in Forest Lakes is as follows:

<u>Unit #</u>	<u>Min. Sq. Ft. per Dwelling Unit</u>
1, 2, 3, & 4	800 Sq. Ft. (Mobile Homes in Unit I may be 600 sq. ft.)
5	1200 Sq. Ft

b. After these revised covenants are approved and recorded item a. above defines minimum square footage requirements for property owners at the time the revisions are recorded. Thereafter the minimum square footage shall be 1200 sq. ft. for any new Single Family Dwelling in Forest Lakes for property which has changed ownership subsequent to the recording of these revisions.

26. STORAGE OF MATERIALS, TOOLS, TRASH, RV'S, CAMPING UNITS, ETC.

- a. During construction of any building project, and for thirty (30) days thereafter a lot may be used for the storage of materials used in the construction, and for the constructor's temporary offices.
- b. Trash, household effects, machinery, etc. must be stored so that it is concealed from public view.
- c. RV's, Camping Units, boats, trailers, etc. stored on a lot may not be in any easement or setback and may not be stored on a lot where there is no dwelling unit.
- d. The owners of lots must keep them clean of all debris, garbage and trash at all times and if any owners fail to keep their lots cleaned, the Declarant may cause them to be cleaned and charge the cost to the owner of the lot.

27. STREET LINE - *The boundary which separates the right-of-way of a street from the abutting property.*

28. STREETS

The streets on the recorded subdivision maps of Forest Lakes are county roads, except for maintenance. Maintenance is provided by the FLMD. The county periodically patrols the area for loose dogs and traffic or other law violations.

29. SUB-DIVISION AND CONSOLIDATION OF LOTS.

- a. No lot may be re-subdivided into smaller lots or conveyed or encumbered in less than the full original dimensions of the lot as shown on the recorded plat of FLMD.
- b. Adjoining lots in common ownership may be combined in accordance with the current rules and regulations of La Plata County Planning Dept. and the Forest Lakes Metropolitan District to create one lot which may not then be re-subdivided.. This larger lot will then be treated as one lot for all purposes of this Declaration.
- c. Nothing in this Restriction shall prevent the dedication or conveyance of portions of lots for public utilities, or easements, and the remaining portion of such lots will be treated as one lot under this provision.

30. TANKS, ELEVATED - *a tank which is mounted on a platform or a support structure raising it more than eighteen (18) inches off the ground.*

- a. No elevated tanks of any kind may be placed on any residential lot.
- b. Propane tanks resting on their attached legs are acceptable.

VII. NEIGHBORHOOD COMMERCIAL ZONE (LOT 415)

The following regulations in addition to the "DEFINITIONS AND GENERAL LAND USE REGULATIONS" shall apply in the neighborhood commercial zone unless otherwise provided in this Declaration of Restrictions:

1. Uses permitted

A building or premises shall be used only for the following purposes, and must be approved by the FLPOA:

- a. The conduct of the following types of general retail business:
 - Antique Shops (not including secondhand stores or salvage operations).
 - Bakery Stores
 - Barber & Beauty Shops

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Banks	Book, Stationery & Gift Store
Candy Stores	Jewelry Stores
Clothing and Dry Goods Stores	Laundry Agencies & Self Service
Day Nurseries and Nursery Schools	Laundries
Delicatessen Stores	Liquor Stores (limited to retail
Drug Stores & Soda Fountains	sales of package goods for
Grocery Store & Meat Markets	off-site consumption.)
(Provided no slaughtering of	Offices
animals or poultry)	Photographers & Artist Studios
Hardware Stores	Radio & Television Stores
Household Appliance Stores	Shoe Repair Shops
Ice Cream Stores	Tailor Shops

Liquor and hard drinks for on-site consumption in restaurants and cafes may be sold only where approval is obtained from the appropriate governmental agency.

b. Other types of businesses will be permitted where in the sole opinion of the FLPOA such businesses are compatible with the above uses and with other businesses conducted or planned for the immediately adjacent areas.

c. Operations of stores, shops, or businesses must be conducted entirely within an enclosed building, unless permission for variance from this restriction is first obtained from the FLPOA.

d. All commercial advertising signs must be approved by the FLCOA

2. Density.

Buildings may not exceed fifty percent (50%) of the lot area.

3. Parking.

a. A minimum of three (3) off-street parking spaces must be provided per 500 square feet of floor area for retail sale purposes. Every parking space must be a minimum of ten (10) feet by twenty (20) feet. One out of every five may be eight (8) feet by eighteen (18) feet, or per county requirements, whichever is more restrictive.

b. Parking areas must be lighted at night. Walkways must be provided as necessary to assure safe pedestrian circulation.

4. Lighting.

Any outside lighting must be placed so the light is reflected away from adjoining residential zones.

5. Loading and Unloading Regulations.

Loading and unloading spaces for commercial structures of 25,000 square feet or more must be provided in accordance with local, county, and/or state requirements.

6. Storage and Display Areas.

Incidental or accessory storage and display areas must be within a completely enclosed portion of a principal commercial building and cannot constitute more than forty percent (40%) of the floor area of such a structure. However, one hundred percent (100%) of the floor areas of accessory commercial buildings may be used for storage.

7. Subdivision of Lots.

After approval, acceptance and execution of any commercial lease no lot or parcel of land may be divided into smaller lots or parcels, whether for lease, sale, or rental purposes.

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VIII. GREENBELT RECREATIONAL AREA (Lots 405 through 414, Unit IV and
Parcels A and B, Unit III)

1. The term "Greenbelt Recreational" shall mean and include collectively, all real and personal property designated as such in these Restrictions, as well as an entrance located within the development consisting of a structure establishing the identity of Forest Lakes.

a. The "Greenbelt" area is maintained by the FLMD.

2. The following Restrictions shall apply to all such "Greenbelt Recreational" property and the exclusive right of use rests with the following:

a. Owners of property in Forest Lakes, their families, and guests for usages as designated and approved by the FLMD.

b. Such other persons or entities as designated and/or approved by the FLMD who may from time to time grant a right of use. Special event usage must receive prior approval of the FLMD.

3. The use of such property shall be subject to rules and regulations as established by the FLMD.

4. Any structures erected on Greenbelt property must be coordinated with approval from the FLCOA to assure aesthetic compatibility.

IX. GENERAL PROVISIONS:

1. Duration.

The Covenants and Restrictions of this amended Declaration shall run with the land and shall be binding upon all persons claiming under them and/or owning any lot(s) in Forest Lakes until an amendment is approved by a majority of the lot owners casting a ballot in response to an official notice, properly sent out (as indicated in 2. below). Consolidated lots will be considered as one lot. The owner(s) of lots in Forest Lakes will have one vote for each lot they own. When an amendment has been approved and recorded the Covenants and Restrictions are changed in whole or in part according to the amendment. Any proposed amendments to this document must first be approved by the FLPOA Board prior to being submitted to the property owners.

2. Notices.

Any notice required to be sent to any owner under the provisions of this amended Declaration shall be deemed to have been properly sent when mailed postpaid to the last known address of the owner, as it appears in the records of the La Plata County Treasurer's Office.

3. Severability.

In the event that any of the provisions of this Amended Declaration conflict with any other, the more restrictive shall govern. If any paragraph, section, sentence, clause, or phrase of these Covenants and Restrictions shall be or become illegal, null, or void for any reason, or shall be so held by any court of competent jurisdiction, the remaining paragraphs, sections, sentences, clauses or phrases shall not be affected.

4. Enforcement.

a. If any owner of any lot in Forest Lakes or his heirs, agents or assigns violate or attempt to violate any of these Covenants and Restrictions it shall be lawful for the Declarant or any lot owner in Forest Lakes to prosecute any proceeding in any proper manner at law or in equity against such person or persons either to prevent him or them from doing so or to recover damages for each violation or both, and to recover court costs, attorneys fees, and related costs.

b. Provided, however, that a breach of any of the forgoing conditions or covenants shall not in any way affect any valid mortgage or lien made in good faith and for value and not made for the purpose of defeating the purposes of such Covenants and Restrictions.