

# **RESIDENTIAL IMPROVEMENT GUIDELINES AND SITE RESTRICTIONS**

Adopted: \_\_\_\_\_, 2017

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I. **INTRODUCTION**

**1.01 Basis for Guidelines**

These Residential Improvement Guidelines and Site Restrictions (“**Guidelines**”) are intended to assist homeowners living in the Dublin North Kwan Parcel Filing No. 8 (“Community”) in implementing landscaping and other home improvements to their property. The Covenants and Restrictions for Dublin North Metropolitan District No. 3 (the “**Declaration**”) requires prior approval from the Board of Directors of the Dublin North Metropolitan District No. 3 (“**District**”) before the construction, installation, erection, or alteration of any structure, attachment to any structure, or landscaping of any lot in the Community shall be made. For instance, any change to existing landscaping, new landscaping, or change to the final grade of property; the construction or installation of any accessory building, patio, deck, pool, or hot tub; the demolition or removal of any building or other improvement, any change of exterior appearance of any building or other improvement, including changing paint colors, must be submitted for prior approval. In order to assist homeowners, the Board of Directors of the District desires to establish certain pre-approved designs for several types of improvements and to exempt certain improvements from the requirement for approval. This booklet contains the guidelines established by the Board of Directors with respect to property within the District.

**1.02 Contents of Guidelines**

In addition to the introductory material, these Guidelines contain (A) a summary of procedures for obtaining approval from the Committee; (B) a listing of specific types of improvements that homeowners might wish to make with specific information as to each of these types of improvements; and (C) some helpful landscaping ideas and information.

**1.03 Architectural Review Committee or Representative**

The Architectural Review Committee (the “Committee”) consists of a committee or representative appointed by the Board of Directors of the District to review requests for approval of architectural or site changes.

**1.04 Committee or Representative Address and Phone**

The address of the Committee or Representative will be same as the address of the Management Company.

<b>COMPANY NAME</b>	<b>OFFICE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>

**1.05 Effect of Declaration**

The Declaration is a document governing property within the Community. Each homeowner should review and become familiar with the Declaration. Nothing in these Guidelines supersedes or alters the provisions or requirements of the Declaration and, if there is any conflict or inconsistency, the Declaration will control.

## **1.06 Effect of Governmental and Other Regulations**

Use of property and any improvements must comply with applicable building codes and other governmental requirements and regulations, including those of the City of Colorado Springs.

**Approval by the Committee will not constitute assurance that improvements comply with applicable governmental requirements or regulations or that a permit or approvals are not also required from applicable governmental bodies.**

## **1.07 Interference with Utilities**

In making improvements to property, homeowners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Homeowners should not construct any improvements over such easements without the consent of the utility involved, and homeowners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting:

**Utility Notification Center of Colorado  
1-800-922-1987**

## **1.08 Goal of Guidelines**

Compliance with these Guidelines and the provisions of the Declaration will help preserve the inherent architectural and aesthetic quality of the Community. It is important that improvements to property be made in harmony with and not detrimental to the rest of the Community. A spirit of cooperation with the Committee and neighbors will go far in creating an optimum environment, which will benefit all homeowners. By following these Guidelines and obtaining prior written approval for improvements to property from the Committee, homeowners will be protecting their financial investment and will help insure that improvements to property are compatible with standards established for the Community. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Guidelines, the Board of Director's interpretation shall be final and binding.

## **1.09 Enforcement of Declaration and Design Guidelines**

The Board of Directors shall have primary responsibility for the enforcement of the architectural requirements of the Declaration and these Guidelines. The Board, its agents, and the Committee will investigate written complaints concerning violations of the requirements/prohibitions of the Declaration or these Guidelines, if such complaints are signed and dated by the person making the complaint. The Board, its agents, and the Committee shall use all reasonable means to maintain the anonymity of complainants. The District shall be allowed access to the property of the person filing the complaint for purposes of verification of the complaint. If a violation is found as a result of a complaint or through its own inspections, the District shall notify the owner whose property is in violation, in writing, requesting that appropriate action be taken to achieve compliance. If such owner does not bring his property into compliance with the Declaration and these Guidelines within ten (10) days, or the time specified by the notice, the violation will be referred to the District for enforcement action. The District shall take enforcement action (including assessing fines, fees, and penalties) in accordance with the District's compliance and fee policy then in effect.

## II. PROCEDURES FOR COMMITTEE APPROVAL

### 2.01 General

As indicated in the listing of specific types of improvements, there are some cases in which advance written approval of the Committee is not required if the guidelines with respect to that specific type of improvement are followed. In a few cases, as indicated in the listing, a specific type of improvement is not permitted under any circumstances. In all other cases, including improvements not included in the listing, advance, or prior written approval by the Committee is required before an improvement to property is commenced.

### 2.02 Drawings or Plans

Homeowners are required to submit to the Committee a Design Review Request Form and complete plans and specifications (said plans and specification to show exterior design, height, materials, color, location of the structure or addition to the structure, plotted horizontally and vertically, location and size of driveways, general plan of landscaping, fencing, walls, windbreaks and grading plan, as well as such other materials and information as may be required) prior to commencement of work on any improvement to property. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, a landscape architect, or draftsman, and a simple drawing *with dimensions* and description will be sufficient. In the case of major improvements, such as room additions, structural changes or accessory building construction, detailed plans and specifications, prepared by a licensed architect, may be required. Whether done by the homeowner, or professionally, the following guidelines should be followed in preparing drawings of plans:

- A. The drawing or plan should be done to scale and shall depict the property lines of your lot and the outside boundary lines of the home as located on the lot. If you have a copy of an improvement survey of your lot obtained when you purchased it, this survey would be an excellent base from which to start.
- B. Existing improvements, in addition to your home, should be shown on the drawing or plan and identified or labeled. Such existing improvements include driveways, walks, decks, trees, shrubs, fences, etc. The proposed improvements should be shown on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed improvement, including the materials to be used and the colors. For Example: Redwood deck, ten feet (10') by twelve feet (12') with two inch by four inch (2"x4") decking and natural stain.
- C. The plan or drawing and other materials should show the name of the homeowner, the address of the home, the lot, block and filing number, e-mail and a telephone number where the homeowner can be reached.
- D. The proposed improvements must take into consideration the easements, building location restrictions and sight distance limitations at intersections.
- E. Homeowners should be aware that many improvements require a permit from the City of Colorado Springs Building Department. The Board of Directors reserves the right to require a copy of such permit as a condition of its approval.
- F. In some instances, elevation drawings of the proposed improvement will be required. The elevation drawings should indicate materials.
- G. Photographs of existing conditions and of proposed materials and colors are encouraged to be included, and are helpful to convey the intended design, but should not be used solely to describe the proposed changes.



### **2.03 Submission of Drawings and Plans**

One copy of the drawing or plans (minimum acceptable size 8.5" x 11") must be submitted to the Committee along with a completed Design Review Request Form. Color photographs, brochures, paint swatches, etc. will help expedite the approval process. Specific dimensions and locations are required.

The review fees as set forth on the Architectural Design Review Submittal Fees Sheet (available on the District website or from the entity listed in Section 1.04) shall be submitted with the Design Review Request Form. In addition, any costs incurred by the Committee for review of submittals shall be borne by the owner and shall be payable prior to final approval. Any reasonable engineering consultant fees or other fees incurred by the Committee and/or District in reviewing any submission will be assessed to the owner requesting approval of the submission.

### **2.04 Action by Committee**

The Committee will meet as required to review plans submitted for approval. The Committee may require submission of additional information or material, and the request will be deemed denied until all required information and materials have been submitted. The Committee will act upon all requests within thirty (30) days after the complete submission of plans, specifications, and other materials and information as requested by the Committee. All approvals or disapprovals of the Committee will be reduced to writing. A stamped or printed notation by the Committee shall be deemed a sufficient writing. If, for any reason, the Committee fails to decide any request within such thirty (30) day period, then the request for approval shall be deemed to have been denied.

### **2.05 Completion of Work**

See Declaration.

### **2.06 Notice of Completion**

See Declaration.

### **2.07 Inspection of Work**

See Declaration.

### **2.08 Rights of Appeal**

See Declaration.

### **2.09 Reserved**

### **2.10 Conflict of Provisions**

The foregoing Guidelines and procedures are supplementary to all of the terms and provisions of the Declaration, the Final Development Plan, and the Final Plat and the terms of each of the foregoing shall remain in full force and effect. In the event of any actual or apparent conflict between these Guidelines and the Declaration, the Final Development Plan or the Final Plat, the Declaration, the Final Development Plan, or the Final Plat, as applicable, shall prevail.

## 2.11 Amendment

These Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, and modified, reenacted, or otherwise changed by the Board of Directors of the District in its sole discretion.

## 2.12 Questions

If you have any questions about the foregoing procedures, feel free to call the District's representative at the phone number and address listed in the introductory part of these Guidelines.

### III. SPECIFIC TYPES OF IMPROVEMENTS/GUIDELINES

#### 3.01 General

The following is a listing, in alphabetical order, of a wide variety of specific types of improvements which homeowners typically consider installing, with pertinent information as to each. **Unless otherwise specifically stated, drawings or plans for a proposed improvement must be submitted to the Committee and written approval of the Committee obtained before the improvements are made.** In some cases, where it is specifically so noted, a homeowner may proceed with the improvements without advance approval if the homeowner follows the stated guideline. In some cases, where specifically stated, some types of improvements are prohibited. **Committee review and approval is required on any external items that might not be listed below.**

#### 3.02 Accessory Buildings

Are Prohibited.

Approval is required for a playhouse or play structure and shall not be considered an accessory building.

#### 3.03 Additions and Expansions

Approval is required. Additions or expansions must be constructed of wood, masonite, glass, brick, stone, or other material as used in construction of the exterior of the home. The design must be the same or generally recognized as a complimentary architectural style and meet all design guidelines as may be applicable. Colors must be the same as that of the residence. Patios may not be more than 25% of the entire rear lot of the home unless otherwise approved by the Committee.

#### 3.04 Address Numbers

Approval is required to replace, alter or relocate existing address numbers, unless the address numbers are replaced using the same style and type of number currently on the residence.

#### 3.05 Advertising

All trade signs, which include, but are not limited to, landscaping, painting, and roofing, may only be displayed while work is in progress and must be removed upon completion of the job. See Signs, Section 3.73.

### **3.06 Air Conditioning Equipment**

Approval is required for all air conditioning equipment including evaporative coolers (swamp coolers) and attic ventilators installed after the initial construction. Approval is not required for replacement of existing air conditioning equipment with like equipment; otherwise approval is required. No heating, air conditioning, air movement (e.g. swamp coolers) or refrigeration equipment shall be placed or installed on rooftops, or extended from windows. Ground mounted or exterior wall air conditioning equipment installed in the side yard must be installed in a manner so as to minimize visibility from the street and minimize any noise to adjacent property owners.

### **3.07 Antennae/Satellite Dishes**

Approval is required. No more than two (2) small antennae/satellites may be installed and maintained on any lot, and only upon compliance with the following conditions:

#### 3.07.1 General

- a. The antennae/satellite must be forty (40) inches or less in diameter and should, to the extent reasonably possible without unreasonable expense or delay, be disguised to resemble and be visually indistinguishable from other structures, devices or improvements otherwise allowed in the community and/or by the Declaration and/or these Guidelines.
- b. The Committee recommends screening the antennae/satellites from neighboring lots, parks, parkways, greenbelts, school grounds, and open space.
- c. All antennae/satellites installed on a lot or site are restricted for the personal use of the owner of the lot or site.
- d. The installation of the antennae/satellite must comply with any zoning requirements and building codes.

#### 3.07.2 Location

- a. All antennas/satellites shall be installed with emphasis on being as unobtrusive as possible to the community. To the extent that reception is not substantially degraded or costs unreasonably increased, all antennas/satellites shall be screened from view from any street and nearby lots to the maximum extent possible, and placement shall be made in the following order of preference.
  - i. Inside the structure of the house, not visible from the street,
  - ii. "Rear" yard or "side" yard, behind and below the fence line,
  - iii. "Rear" yard or "side" yard, mounted on the house, in the least visible location below roofline,
  - iv. "Side" yard in front of wing fence, screened by and integrated into landscaping,
  - v. Back rooftop.
  - vi. "Front" yard screened by and integrated into landscaping,
- b. If more than one (1) location on the property allows for adequate reception without imposing unreasonable expense or delay, the order of preference described above shall be used, and the least visible site shall be selected.
- c. Antennas/satellites shall not encroach upon common areas or any other Owner's property.

### 3.07.3 Installation

- a. All installations must comply with all applicable building codes and other governmental regulations, and must be secured so they do not jeopardize the safety of residents or cause damage to adjacent properties. Any installation must strictly comply with FCC guidelines.
- b. All antennas/satellites shall be no larger, nor installed more visibly, than is necessary for reception of an acceptable signal.
- c. Owners are responsible for all costs associated with the antenna/satellite, including but not limited to costs to install, replace, repair, maintain, relocate, or remove the unit.
- d. All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Antennas/satellites, masts and any visible wiring may be required to be painted to match the color of the structure to which they are attached. The owner should check with the installer/vendor for the appropriate type of paint.
- e. Except as otherwise provided above, to the extent not prohibited by the FCC Rule, approval of the location, height, materials and other features regarding the appearance of any antenna/satellite shall be submitted in accordance with the Guidelines and Declaration.

All other antennas, not addressed above, are prohibited.

### **3.08 Awnings**

Approval is required. Awnings should be an integral part of the house or patio design. The color shall be complimentary to the exterior of the residence.

See Overhangs/Awnings – Cloth or Canvas, Section 3.49.

### **3.09 Balconies**

See Decks, Section 3.20.

### **3.10 Barbecue/Gas Grills**

All barbecue grills, smokers, etc. must be stored in the rear yard or within an enclosed structure, not visible from the front of the home.

### **3.11 Basketball Backboards**

No basketball backboards shall be attached to the garage. Only portable basketball backboards shall be allowed and do not require approval if the following guidelines are met: 1) portable units cannot be placed in the public right of ways, streets, or sidewalks; 2) location must be at least half of the length of the driveway away from the street. This location constitutes proper placement and the unit must be kept in this location and stored out of sight when not in use.

### **3.12 Birdbaths**

Placement in “front” or “side” yard is not allowed. See Statues or Fountains, Section 3.78.

### **3.13 Birdhouses and Bird Feeders**

Approval is not required if installed in the rear yard and the size is limited to one foot by two feet. No more than three of each of a birdhouse or birdfeeder shall be installed on any lot. A birdhouse or bird feeder, which is mounted on a pole, may not exceed five (5) feet in height.

### **3.14 Boats**

See Motor Vehicles/Recreation Vehicles, Section 3.47.

### **3.15 Carports**

Will not be permitted.

### **3.16 Clothes Lines and Hangers**

Clotheslines may only be placed in the rear yard. Fixed clotheslines and hangers are not permitted. Temporary drying structures will be permitted so long as such structures are used solely in the rear yard of a lot and are immediately removed from sight after each use. Retractable clotheslines with permanent fixtures require approval.

### **3.17 Cloth or Canvas Overhangs**

See Overhangs/Awnings – Cloth or Canvas, Section 3.49.

### **3.18 Commercial and/or Oversized Vehicles**

It is understood that some residents of the District will drive company vehicles as a condition of their employment. It is neither the desire nor the intent of the District to prohibit any resident from being able to pursue the occupation of their choice. It is the desire and intent of the District to provide Guidelines and rules that will promote a sense of community within the Community.

An “Oversized Vehicle” is defined as a vehicle that cannot be parked within the garage. The definition of “Commercial Vehicle” is somewhat subjective, but tends to include the following: truck size in excess of 1 ton; and/or with commercial lettering on the side; and/or work materials/equipment/tools exposed in back, and any vehicle falling within the definition of “Commercial Vehicle” as defined in C.R.S. 42-4-235 (1), as amended from time to time.

The parking of Commercial Vehicles as defined above will be prohibited in the Community with the exception of parking within a completely enclosed garage with the following exceptions for vehicles not greater than 1 ton:

- 1) Residents will be allowed to park those commercial vehicles with “work materials” exposed, as long as the exposed work materials are removed during regular non-work hours (all times other than 7:00 am – 6:00 pm Monday through Friday and nationally recognized holidays).
- 2) Oversized vehicles must have Committee approval to be parked in the driveway. Such approval will be based upon, but not limited to, no more than one (1) vehicle, effect on curb appeal, effect on safety and effect on street traffic.

- 3) Emergency service vehicles which meet the following criteria:
- a. The vehicle has a gross vehicle weight rating of ten thousand pounds or less;
  - b. The unit owner is a bona fide member of a volunteer fire department or is employed by an emergency service provider (as defined by Colorado Revised Statutes);
  - c. The vehicle bears an official emblem or other visible designation of the emergency service provider;
  - d. Parking of the vehicle can be accomplished without obstructing emergency access or interfering with the reasonable needs of other unit owners to streets and driveways.

### **3.19 Compost**

Approval is required. Container must not be immediately visible to adjacent properties and odor must be controlled. Underground composting is not allowed.

### **3.20 Decks**

**Approval is required.** The deck must be constructed of redwood or composite type decking products and approved by the Committee. The appropriate City of Colorado Springs permits are also required. The decking material must be either redwood in color or of a color that matches one of the exterior paint colors or the masonry on the home. The deck should be located so as not to obstruct or greatly diminish the view or create an unreasonable level of noise for adjacent property owners.

All deck columns shall be integrated into the architectural style/character of the home. Covered decks shall be compatible with the architectural style of the home through roof form integration, column design, and railing details. Supporting posts and columns associated with all covered decks or those more than 30" above grade shall be a minimum eight inches by eight inches unless grouped (two or more 4"x4" posts) or enhanced with a masonry base. When possible, matching the column style present on the front of the home is preferred.

Decking that is less than thirty (30") inches above grade of the lot, may utilize a lattice skirting provided the skirting is made of redwood minimum one-half (½") inch thick boards and stained or painted to match the remaining portions of the deck. Decks may not be more than 25% of the entire rear lot of the home unless otherwise approved by the Committee. Construction shall not occur over easements or beyond the side plane of the home and must be set back a minimum of ten (10) feet from the rear property line. No decks with abutting rear lot lines shall be within 30 feet of each other at any point (Refer to the City of Colorado Springs code). Construction of decks over a sloped area is discouraged.

Homeowners are reminded that as with redwood, some types of maintenance free decking products may also require periodic maintenance for proper care and to retain the product's aesthetic conformity, including but not limited to, fading, warping, etc. Decks may be finished with clear semi-transparent sealer, stained to match a Cedar tone, an oil-based wood finish or a similar product that matches. The deck may also be painted to match the body or trim color of the home.

### **3.21 Dog Houses**

Approval is required. Dog houses are restricted to ten (10) square feet and must be located in a

fenced back yard or dog run. Dog houses must be installed at ground level, and must not be visible above the fence. Dog houses must also match the colors and materials of the exterior of home. Limit of one doghouse per home/lot. See Fences, Section 3.28.

### **3.22 Dog Runs**

Approval is required. Dog runs must be located in the rear or side yard, abutting the home and substantially screened from view by planting fast-growing or mature trees or shrubs. Dog runs will be limited to 200 square feet, unless a variance is granted by the Committee. Dog run fences should be left natural in color and sealed to prevent weathering. In some cases, written consent from adjacent neighbors may be requested. Dog runs must be made of wood; please refer to the fence details in Schedule 1 & 2 for approved heights, stains and designs. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

### **3.23 Doors**

Approval is not required for an already existing main entrance door to a home or an accessory building if the material matches or is similar to existing doors on the house and if the color is generally accepted as a complimentary color to that of existing doors on the house. Complementary colors would be the body, trim or accent colors of the house or white (for storm/screen doors).

- 1) Storm Doors. Approval is not required for storm doors as long as the door is complimentary with the color scheme of the home. Homeowners wishing to utilize a different color must first obtain approval.
- 2) Security Doors and Windows. All security or security-type doors and windows must be approved prior to installation.

### **3.24 Drainage**

The Declaration requires that there be no interference with the established drainage pattern over any property. The established drainage pattern means the drainage pattern as engineered and constructed by the homebuilder prior (or in some cases, immediately following) conveyance of title from the home builder to the individual homeowner. When installing your landscaping, it is very important to insure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or against the house foundation, walkways, sidewalks, and driveways into the street. The Committee may require a report from a drainage engineer as part of landscaping or improvement plan approval. Landscaping and all drainage from downspouts off the house should conform to the established drainage pattern. Sump pump drainage should be vented a reasonable distance from the property line, on the owner's property, to allow for absorption. Adverse effects to adjacent properties, including District lands, sidewalks and streets, will not be tolerated.

### **3.25 Driveways**

Approval is required for any changes or alterations to driveways; this includes construction of a pull-off area to the side of the driveway and/or concrete driveway extensions. Only clear sealant may be used on the driveway (no colors) and owners will be required to maintain the driveways against oil spills, spauling/peeling/etc.

### 3.26 Evaporative Coolers

Approval is required. No rooftop or window mount installations are allowed. See Air Conditioning Equipment, Section 3.06.

### 3.27 Exterior Lighting

See Lights and Lighting, Section 3.44.

### 3.28 Fences

#### 3.28.1 General Statement

- a. Fences constructed by the Developer or Builder along or abutting property lines, arterial streets, collector streets, and local streets may not be removed, replaced, painted a different color or altered, including, adding a gate, without approval of the Committee.
- b. If any such fences constructed by the Developer or Builder which are located upon a homeowner's property are damaged or destroyed, the homeowner shall repair or recondition the same at the homeowner's expense.
- c. Some fences may be located upon property owned by the District and, if so, the approval of the District shall also be obtained before any such fence is removed, replaced, painted or altered.

3.28.2 Theme Fencing: (fencing that has been installed by the Developer or Builder along or abutting property lines on residential streets, parks, green belts, or non-urban areas):

- a. Arterial Fencing (along major roadways): No change in this fencing is permitted without approval of the District and the Committee.
- b. Non-Arterial Fencing: Open fence that is adjacent to or abuts open space shall not be changed.

#### 3.28.3 Fence Designs.

- a. All "rear" or "side" yard fences along property lines require approval of the committee..
- b. Fences (not previously installed by a Builder or Developer) that will be located in the "rear" or "side" yard along property lines are required to be constructed in accordance with the specifications shown in Schedule 1
- c. All fencing in Schedule 1 must be constructed of rough sawn cedar (**pine and other soft woods will not be approved**). Gates must be constructed in accordance with Schedule 1.
- d. Vinyl fencing will not be approved under any circumstances.
- e. Double fencing of property lines is not permitted.
- f. All fence slats are required to be placed tightly side by side, shadow box type fencing will not be allowed.
- g. All fencing (except transition sections) must be installed at a height of 6ft.
- h. Any additional fencing of any kind (not listed) shall require Committee approval.

#### 3.28.4 Maintenance/Staining.

Regular physical and aesthetic maintenance of fencing is required. All fences must be sealed with a clear waterproof sealant, or finished using semi-transparent stain approved by the Committee. Please refer to Schedule 2 for approved color palettes. Owners will still be



required to submit their staining request to the Committee and this will be reviewed in-house with no additional submittal fee.

#### 3.28.5 Additional Fence Requirements.

- a. Fence sections which front or abut any public or private street, another front yard, common walkway, greenbelt, park or non-urban area must be constructed so that the side of the fence which is generally accepted as being the most “finished” side or rail-side, fronts or abuts public or private streets, common walkways, etc. **The most effective method of accomplishing this is to construct the entire fence with the “finished” side out.**
- b. The Committee will require a transitional section of fencing, as applicable, where a fence adjoins a fence of any lesser height, for symmetry and aesthetics. Please refer to the fence details in Schedule 1.
- c. No electric fences are permitted (other than pet containment fencing installed below grade), and all wire installed (permitted only on the inside of the fence) must comply with the specifications in Schedule 1.
- d. It is important to remember that certain drainage patterns may exist along, or under, proposed fence locations. When constructing a fence, be sure to provide for adequate space between the fence and the ground to accommodate these drainage patterns.
- e. When making a submittal for fencing, include the style and height of the fence, color of stain, and all other descriptive details, as well as an elevation drawing with dimensions of the fence and a plot plan with the location of the fence clearly marked.
- f. Approval by the Committee shall not be deemed to constitute compliance with the requirements of any local building codes, development regulation or other applicable laws, and it shall be the responsibility of the Owner to comply therewith; nor does approval assure that a permit or approvals are not also required from applicable governmental bodies. For general information regarding building permits, contact the City of Colorado Springs.

#### 3.28.6 Prior Approved Fencing.

To the extent that fencing has been previously approved by the Committee based on a prior version of these Guidelines, such fencing will be required to be compliant with this section and Schedule 1 at such time as the fence is replaced, or whenever any repair is required or made to more than 25% of the existing fencing material.

### **3.29 Fire Pits**

Approval is required for all permanent or built-in structures. Approval is not required for portable units.

### **3.30 Firewood Storage**

Approval is not required for storage of one (1) cord or less of wood. All firewood must be located in

the “side” or “rear” yard, must be neatly stacked, and must not be located so as to block established drainage patterns. All other wood must be stored in an approved enclosure, or “screened” from view.

### **3.31 Flags/Flagpoles**

Approval is required for any freestanding flagpole. Approval is not required for flagpoles mounted to the front of the residence provided that the flags displayed thereon (if other than an American Flag) are temporary in nature and are only displayed on holidays or in celebration of specific events. They must not be placed earlier than thirty (30) days prior to the start of the particular holiday/event or celebration and must be removed no later than thirty (30) days following the particular holiday/event or celebration. Under no circumstance may the height of the flagpole exceed the height of the roofline of the residence. Flag size cannot exceed five (5) feet in length and three (3) feet in width.

American Flags: owners shall be permitted to display an American Flag in accordance with the Federal Flag Code and as follows:

- i. The flag shall be no larger than 3'x5'
- ii. The American flag may be displayed in a window or from a flagpole projecting horizontally from a location on the front of the dwelling. Flagpoles shall be no larger than 5' in length
- iii. The owner shall replace the flag and/or flagpole as necessary in order to prevent wear and tear
- iv. Flags may not be illuminated without prior written approval of the Committee. Any request for lighting must detail the type and location of lighting. Lighting shall be placed so as not to disturb owners of neighboring lots.
- v. An owner may display a service flag bearing a star denoting the owner's or his family member's active or reserve U.S. military service during a time of war or armed conflict. The flag may be displayed on the inside of a window or door of the unit. The flag may not be larger than 9" by 16"

### **3.32 Garage Sales**

Approval is not required. No garage, patio, porch or lawn sale shall be held on any residential site/lot except that the owner of any such residential site may conduct such a sale for up to three (3) consecutive days not more than twice in any calendar year if (a) the items sold are only his own furniture and furnishings, not acquired for purposes of resale; (b) such sale is held at such time and in such manner as not to unreasonably disturb any other resident of the area; and (c) such sale is held in full compliance with the requirements of all applicable law.

In order to maintain the highest level of community appearance, all signage for garage sales held as permitted above will be of “sandwich variety” (no posts which are driven into the ground). All signs will be uniform in size and color and will make it easy for those traveling the community visiting garage sales to locate the homes having the garage sales. Signs found not meeting the above criteria may be removed. Signs need to be removed when the garage sale is finished and all remaining items disposed of or stored out of view.

### **3.33 Garbage Containers and Storage Areas**

See Trash Containers, Enclosures and Pickup, Section 3.85.

### **3.34 Gardens - Flower or Vegetable**

Approval is not required for flower or vegetable gardens that do not exceed 100 total square feet. All flower gardens must be weeded, cared for and maintained. Vegetable gardens shall be located in the rear or side yard

### **3.35 Gazebos**

Approval is required. A gazebo must be an integral part of the rear yard landscape plan and must be similar in material and design to the residence. The color must be generally accepted as a complementary color to the exterior of the residence. Refer to the City of Colorado Springs for any additional requirements or permits that may be needed.

### **3.36 Grading and Grade Changes**

See Drainage, Section 3.24.

### **3.37 Greenhouses**

Are prohibited.

### **3.38 Hanging of Clothes**

See Clothes Lines and Hangers, Section 3.16.

### **3.39 Hot Tubs and Jacuzzis**

Approval is required. Must be an integral part of the deck or patio area and of the rear yard landscaping. Must be installed in such a way that it is not immediately visible to adjacent property owners and that it does not create an unreasonable level of noise for adjacent property owners. In some instances, additional plant material, around the hot tub, may be required for screening. Non-vegetative screening materials should match or complement the house or deck structure. Prefabricated hot tub enclosures will be evaluated on a case-by-case basis, and may require additional plant material screening.

### **3.40 Irrigation Systems**

Underground automatic irrigation systems will not require approval by the Committee. All homes must have an underground automatic irrigation system installed with the landscape. All irrigation systems should be designed by a landscape architect, designer or irrigation specialist to ensure water management and plant growth. The irrigation system must be designed so that water does not cross property lines and so the irrigation system is in complete compliance with the individual home's soil report recommendations, specifically with regard to the no-irrigation zone at the edge of the home's building foundation. All irrigation systems shall comply with the City of Colorado Springs Irrigation Ordinance and Zoning Code. For recommended irrigation system treatment, See Irrigation, Section 4.09

### **3.41 Kennels**

Breeding or maintaining animals for a commercial purpose is prohibited. Also see Dog Runs, Section 3.22.

### **3.42 Landscaping**

Approval is required. All homeowners must comply with applicable landscaping requirements of the City of Colorado Springs. Landscaping plans must be in accordance with the specifications set forth in section 2.02 above, and the approval of such plans shall be obtained prior to the installation of landscaping. The plot plan of the residence and yard must be provided at a measurable scale. All organic materials (plants, shrubs, trees, etc.), building materials (stone, wood, edging, etc.), must be clearly labeled in detail.

The lot landscaping should be designed to create a coherent environment which complements the overall community. Plant material should relate to the scale and character used in the community landscape areas and to the lot improvements. Particular attention should be paid to the functional aspects of planting design. Consideration should be given to the use of plants for screening, space definition, erosion control, glare reduction, dust control, and aesthetics. The use of drought tolerant plants is highly encouraged.

Landscaping must consist of trees, shrubs, ornamental grasses, ground covers, annual and perennial flowers, turf grasses, mulches and automatic irrigation.

**In the case of shade or ornamental trees (deciduous), plantings may not be installed closer than six feet (6') from the property line. Any exceptions will need to be submitted for Committee review and possible approval.**

**In the case of evergreen trees (conifer), plantings may not be installed closer than ten feet (10') from the property line. Any exceptions will need to be submitted for Committee review and possible approval.**

- a. See the attached plant palette for recommended plants. **Thorny plants shall not be located within 20 feet of sidewalks or walkways.**
- b. Planting beds must be separated from turf by edging.
- c. Artificial Turf is not allowed in front yards.
- d. All landscaping shall include automatic irrigation.

#### 3.42.1 Landscape Installation Schedule

- a. Landscaping of all yards shall be installed within ninety (90) days after closing on the property if the closing occurs during the growing season (April 1 to October 1 of the same year), or within (90) days during the next growing season if the property closes outside of this cycle. Extensions may be granted by the Committee upon receipt of a request by an owner (specifications will need to be provided as to why an extension is being requested).

- b. The owner shall install and thereafter maintain landscaping on the residential lot/site, including the area between the sidewalk and curb of the street, also known as the “**Street/Tree Lawn Area**”.

#### 3.42.2 Landscape Maintenance

Each Owner shall maintain all landscaping on such owner's lot in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds and debris, and replacement of landscaping. This applies to the front, back, and side yards as well as the street/tree lawn area.

#### **3.43 Latticework**

Approval is required for any type of trellis or latticework. Adequate framing is required. Considerations will include, but may not be limited to, height, color and material.

#### **3.44 Lights and Lighting**

- a. Approval is not required for replacing existing lighting, including coach lights, with the same or similar lighting and style as originally installed.
- b. Approval is required to modify or add exterior lighting.
- c. Approval is required to install motion detector spotlights, spotlights, floodlights or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.).
- d. Considerations will include, but may not be limited to, the visibility, style and location of the fixture.
- e. Exterior lighting for security and/or other uses must be directed at the ground and house, whereby the light cone stays within the property boundaries and the light source does not cause glare to other properties (bullet type light fixtures are recommended).
- f. Ground lighting along walks must be maintained in a working and sightly manner. Low-voltage or solar powered ground lighting fixtures which are typically affixed by stakes or similar posts are to be maintained in good aesthetic repair, be functional, not be a tripping or other physical hazard along pedestrian pathways, and remain generally plumb in their presentation.
- g. The addition of a front yard light post will be allowed with approval.

Holiday lighting and decorations do not require approval. It is required that they not be installed more than 30 days prior to the holiday. They shall be removed within 30 days following the holiday.

#### **3.45 Mailboxes**

Mail is delivered to group mailboxes. Installation of individual mailboxes on lots is prohibited.

### **3.46 Maintenance of Property**

No property within the District shall be permitted to fall into disrepair including, but not limited to, missing shingles, failure to maintain landscaping, worn and/or falling fencing and other damage to any privately owned site. All property, including improvements and landscaping thereon, shall be kept and maintained by the owners thereof in a clean, safe, attractive and in good condition. No trash, litter, junk, boxes, containers, bottles, cans, furniture, implements or machinery shall be permitted to remain upon any lot except as necessary during the period of construction. Lawns must be watered and maintained. Houses must be painted and repaired.

### **3.47 Motor Vehicles/Recreational Vehicles**

All types of "Recreational Vehicles," including but not limited to trucks, trailers, mobile homes, detached camper units, utility and boat trailers, snowmobiles, race cars, watercraft or house trailers, are prohibited from parking anywhere within the District unless they fit entirely within an enclosed garage, except for the "temporary expedient of unloading, delivery or emergency." Three overnights (i.e., 72 hours) during a seven (7) day period for loading and unloading is allowed. Parking of a recreational vehicle for a period of time in excess of 72 hours in a 7-day period is prohibited, except as may be approved in writing by the Committee.

Periodic movement of the vehicle for purposes of circumventing this standard shall not qualify the vehicle for exception from this standard. Any "Recreational Vehicle," including but not limited to trucks, trailers, mobile homes, detached camper units, utility and boat trailers, snowmobiles, race cars, watercraft or house trailers shall not be parked, kept, stored or maintained on or adjacent to any open space area within the District, except while temporarily engaged in loading or unloading of trucks or RVs not to exceed more than one (1) consecutive day. Vehicles in violation hereof shall be subject to ticketing and/or towing at owner's expense, as provided herein or by applicable law.

The purpose of the 72 hours is to load and unload, not to provide storage/parking for the unit. Recreational Vehicles must be stored/parked in the garage, off site, or as otherwise approved in writing by the Committee.

Vehicles shall not be parked on landscaped (i.e., rock, sod, mulch, plants, etc.) areas. Inoperable vehicles ("legally" and/or "mechanically") are not permitted to remain within the District so as to be visible.

**INOPERATIVE, UNUSED, UNREGISTERED OR ABANDONED VEHICLES:** No inoperative, unused, unregistered or abandoned vehicle shall be stored, parked, maintained or kept upon any open area within the District. "Inoperative, abandoned, or unused vehicle" shall mean any automobile, truck, motorcycle or motorbike which has not been driven under its own propulsion or has not been moved outside of the District for a period of 2 weeks or longer. The foregoing restriction shall not include otherwise permitted vehicles parked by owners while on vacation or during a period of illness. Inoperative, abandoned, unregistered or unused vehicles shall be subject to ticketing and/or towing at owner's expense, as provided herein or by applicable law.

All major vehicle repairs including, but not limited to body or engine work, overhauling or similar automotive repair work are prohibited within the District. Only minor repair work requiring no more than two hours is permitted. Minor repairs including checking and/or adding automotive fluids,

changing a flat tire, jump-starting a vehicle, changing a windshield wiper, and changing a headlight are permissible. There shall be no draining of fluids and no use of heavy tools. Debris from repairs must be immediately picked up and properly disposed of. In all cases, no automotive maintenance or repair work shall be conducted or carried on so as to become an annoyance, nuisance, eyesore, or hazard or which in any way causes damage to the common areas.

### **3.48       Ornaments /Art - Landscape/Yard**

- a. Approval is not required if installed in “rear” yard and of a height less than three (3) feet.
- b. Any improvements greater than three (3) feet in height to be installed in a “rear” yard require approval.
- c. No more than three (3) small (less than 12 inches in height) “front” yard ornaments do not require approval, if ornament is at ground level, and color and design integrate into landscape. See Statues or Fountains, Section 3.78

### **3.49       Overhangs/Awnings- Cloth or Canvas**

Approval is required. An overhang should be an integral part of the house or patio design. The color must be the same as, or generally recognized as, a complementary color to the exterior of the residence. A swatch of material to be used must be provided with the review submittal. See also, Patio Covers, Section 3.51

### **3.50       Painting**

Approval is not required if color and/or color combinations are identical to the original manufacturer color established on the home. Any changes to the color scheme must be submitted for approval and must conform to the general scheme of the community.

If you choose to use a different color on your home, you will need to submit the Design Review Request Form with your color samples, with a general description of the colors of the next 4 houses on either side of your home. The Committee will not approve submittals without a description of neighbors’ paint colors. Outlining the garage door panels in a contrasting color or in a checker board design is not permitted. Most homes have multiple tone paint schemes (e.g., body color, trim color and accent color for shutters and doors). New colors submitted should preserve this multiple tone scheme. For example, if the trim was a different color than the doors and shutters originally, it should also be different in the submitted colors. Color selections should be submitted to the Committee in the form of manufacturer’s paint chips. Please indicate which color chips are for trim, body and accent (doors and shutters) color. In general, after approval, only those areas that are painted may be repainted and only those areas that are stained may be re-stained; unpainted and unstained areas (such as brick or stone) shall remain unpainted and unstained.

### **3.51       Patio Covers**

Approval is required. Patio covers must be constructed of material consistent with the home and be similar or generally recognized as complementary in color to the colors on the house. Freestanding patio covers may be permitted as well as extensions of the roof.

### **3.52 Patios-Enclosed**

See Additions and Expansions, Section 3.03.

### **3.53 Patios-Open**

Approval is required. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners.. In some instances, additional plant material, around the patio, may be required for screening or integration into the landscape design. The patio and materials must be similar or generally accepted as a complementary color and design to the residence. Patios may not be more than 25% of the entire rear lot of the home unless otherwise approved by the Committee. Also see Decks, Section 3.20.

### **3.54 Paving**

Approval is required, regardless of whether for walks, driveways, patio areas or other purposes, and regardless of whether concrete, asphalt, brick, flagstones, stepping stones, pre-cast patterned, or exposed aggregate concrete pavers are used as the paving material. Also see Driveways, Section 3.25.

### **3.55 Pipes**

Exterior pipes, conduits and equipment require Committee approval. Adequate “screening” may be required. See Utility Equipment, Section 3.88.

### **3.56 Play Structures**

Approval is required. Consideration will be given to adjacent properties (a min. 5 foot setback from the property line, is required for trampolines, swing sets, fort structures, etc.) so as not to create an undue disturbance. In some instances, additional plant material, around the equipment, may be required for screening. Wood structures should be constructed of pressure treated or other weather resistant materials. All play equipment must be maintained in a good and sightly manner. The use of multi-rainbow colored cloth/canvas tarps is discouraged. Height may not exceed 12’.

### **3.57 Playhouses**

Approval is not required if a structure is less than 24 square feet and less than six feet high, from highest point to the ground. Otherwise, approval is required. See Accessory Buildings, Section 3.02.

### **3.58 Poles**

See Flags/Flagpoles, Section 3.31 and Utility Equipment, Section 3.88.

### **3.59 Ponds and Water Features**

Approval is required. Considerations by the Committee will include, but not be limited to, the following criteria:

- A. Must be integrated into landscape scheme.



- B. Setback shall be a minimum of five feet from all property lines
- C. Must not affect existing drainage on the lot or off the property
- D. Must be maintained at all times
- E. The maximum height of all fountain/pool elements and their spray is not allowed to be higher than 4 feet (4') from the ground plane.

### **3.60 Pools**

Approval is required. Pools must be placed in the rear yard and be an integral part of the deck or patio area. They should be located in such a way that they are not immediately visible to adjacent property owners (i.e. screened with plant material). Above ground pools are prohibited. One (1) wading pool, if less than 18 inches high and eight (8) feet in diameter, per property, is permitted on a temporary basis without prior approval, if placed in the "rear" yard. Also see Hot Tubs and Jacuzzis, Section 3.39.

### **3.61 Radio Antennae**

See Antennae/Satellite Dishes, Section 3.07.

### **3.62 Radon Mitigation Systems**

Approval is required. Equipment must be painted a color similar or generally accepted as complimentary to the exterior of the house. All equipment shall be installed so as to minimize its visibility.

### **3.63 Roofing Materials**

All buildings constructed on a lot should be roofed with the same or greater quality and type as originally used by the builder. Other materials require prior approval. Repairs to an existing roof with the same building material that exist on the home do not require prior approval.

### **3.64 Rooftop Equipment**

Approval is required. Equipment must be painted a color similar or generally accepted as complimentary to the roofing material of the house. All rooftop equipment shall be installed so as to minimize its visibility. Also see 3.75 Solar Energy Devices.

### **3.65 Satellite Dishes**

See Antennae/Satellite Dishes, Section 3.07.

### **3.66 Saunas**

See Accessory Buildings, Section 3.02.

### **3.67 Screen Doors**

See Doors, Section 3.23.

**3.68 Seasonal Decorations**

Approval is not required if installed on a lot provided that one is keeping with the community standards and that the decorations are removed within thirty (30) days of the holiday. See Lights and Lighting, Section 3.44

**3.69 Sewage Disposal Systems/Septic Systems (Individual)**

Will not be permitted.

**3.70 Sheds**

Are not allowed. See Accessory Buildings, Section 3.02.

**3.71 Shutters - Exterior**

Approval is required. Shutters should be appropriate for the architectural style of the home and be of the appropriate proportion to the windows they frame. The shutters should be the same as the “accent” color of the home (typically the same as the front door or other accent details).

**3.72 Siding**

Approval is required. Vinyl siding will not be allowed.

**3.73 Signs**

Approval is required for most signs. One (1) temporary sign advertising property for sale or lease which is no more than three (3) feet in height and no more than two (2) feet wide, and which is conservative in color and style may be installed in the front yard or on the back yard fence of the lot of the property without approval; signs in windows will not be allowed. All other signs, including address numbers and nameplate signs must be approved. No lighted sign will be permitted unless utilized by the Developer and/or a Builder. One political sign per household may be placed in the front yard of the lot during elections. All political signs must be removed within 48 hours of said election. No signs may be placed on District property without the written consent of the District. A temporary trade sign pertaining to, but not limited to, contractors, landscapers, painters and roofers, may only be displayed while work is in progress, or not to exceed two months, whichever is less. This signage must meet the above specifications.

In an effort to maintain neighborhood aesthetics, it is requested that political signs not be displayed more than three (3) weeks prior to election.

Please also refer to the City of Colorado Springs’s Sign Code for any signs not covered as part of this section.

**3.74 Skylights**

Approval is required. Bubble type skylights will be prohibited.

### **3.75 Solar Energy Devices**

Approval is required (Excluding landscape lighting) in order to review aesthetic conditions – Photovoltaic (PV) Solar panels must lay flat on the roof, meet all applicable safety, building codes and electrical requirements. This includes solar panels for thermal systems (solar water heaters). The committee is allowed to request changes as long as they don't significantly increase the cost or decrease the efficiency of the proposed device and panels. Please also see Colorado Law C.R.S. 38-30-168, which governs the District's review and the homeowner's installation of such devices.

### **3.76 Spas**

See Hot Tubs and Jacuzzis, Section 3.39.

### **3.77 Sprinkler Systems**

See Irrigation Systems, Section 3.40 and Irrigation, Section 4.09.

### **3.78 Statues or Fountains**

Approval is not required if they are installed in the rear yard and are at a height not greater than four (4) feet, including any pedestal. If the statue or fountain is proposed for the front yard, approval is required, and the statue or fountain location should be located close to the main entrance of the house. See Birdbaths, Section 3.12 and Ornaments/Art – Landscape/Yard, Section 3.48

### **3.79 Storage Sheds**

See Sheds, Section 3.70 and Accessory Buildings, Section 3.02.

### **3.80 Sunshades**

See Overhangs/Awnings – Cloth or Canvas, Section 3.49 and Patio Covers, Section 3.51.

### **3.81 Swamp Coolers**

See Air Conditioning Equipment, Section 3.06, Evaporative Coolers, Section 3.26, and Rooftop Equipment, Section 3.64.

### **3.82 Swing Sets**

See Play Structures and Sports Equipment, Section 3.56.

### **3.83 Television Antennae**

See Antennae/Satellite Dishes, Section 3.07.

### **3.84 Temporary Structures**

The Declaration states that, no structure of a temporary character, including, but not limited to, a house trailer, tent, shack, storage shed, or outbuilding shall be placed or erected; provided,

however, that during the actual construction, alteration, repair or remodeling of a structure or other Improvements, necessary temporary structures for storage of materials may be erected and maintained by the Person doing such work. The work of constructing, altering or remodeling any structure or other Improvements shall be prosecuted diligently from the commencement thereof until the completion thereof. Further, no unsightly conditions, structures, facilities, equipment or objects shall be so located on the Property as to be visible from a street or from any other portion of the Property.

**3.85 Trash Containers, Enclosures, and Pick Up**

No refuse, garbage, trash, lumber, grass, shrubs or tree clippings, plant waste, metal, bulk materials, scrap or debris of any kind shall be kept, stored, or allowed to accumulate except inside the residence on any Lot nor shall such items be deposited on a street, unless placed in a suitable, tightly-covered container that is suitably located solely for the purpose of garbage pickup. Further, no trash or materials shall be permitted to accumulate in such a manner as to be visible from any Lot. Trash enclosures visible from the streets are not permitted. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. No garbage or trash cans or receptacles shall be maintained in an exposed or unsightly manner. Trash may be placed on the street for pick up the night before the trash is to be picked up. Trash containers must be properly stored the evening of pick up. The governing body of the Metropolitan District shall have the power to regulate the days and hours during which trash and solid waste may be collected and put out for collection, as well as any and all other matters having to do, in any way, with trash collection.

**3.86 Tree Houses**

Will not be permitted.

**3.87 Tree Lawn**

All residence's landscape maintenance responsibility extends from the rear yard to the back of the concrete curbing at the street, even though the area between the walk and curb is within the street right-of-way. Therefore, homeowners are responsible for the maintenance of the area between the sidewalk and street (called the Street/Tree Lawn). Homeowners are not permitted to alter plant material installed by the Builder or Developer in the area between the curb and sidewalk (the "Street/Tree Lawn"), except to replace dead plant material with like material, or as otherwise approved in writing by the Committee. This includes no addition of shrubs, perennials, annual flowers, ground cover or hardscape materials within this street/tree lawn area other than for replacement of like material.

**3.88 Utility Equipment**

Installation of utilities or utility equipment requires approval. Under the Declaration, pipes, wires, poles, utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.

**3.89 Vanes**

See Weather Vanes and Directionals, Section 3.93.

**3.90 Vents**

See Rooftop Equipment, Section 3.64.

**3.91 Walls**

See Fences, Section 3.28.

**3.92 Walls-Retaining**

Approval is required. Front yard retaining walls shall not exceed 30 inches in height. In the side yard, retaining walls up to 30 inches high, with a planted slope above the wall, may be constructed with approval of the adjoining lot owner, if appropriate, and approval of the Committee. In no event shall rear yard retaining walls exceed 4 feet in height unless installed by the Builder or Developer. All retaining walls shall comply with applicable City of Colorado Springs requirements and not significantly alter the drainage patterns on the lot or adjacent properties (including District or public areas). Retaining walls shall be constructed with split face modular concrete facing units and installed per manufacturer instructions. See Retaining Walls, Section 4.05.

**3.93 Weather Vanes and Directionals**

Approval is required.

**3.94 Wind Electric Generators**

Windmills and any other type of fixture, which fall under the criteria of a wind generator, or is used to generate power etc., must meet the requirement of the C.R.S. 40-2-124 and any regulations of the Colorado Public Utilities Commission. Committee approval is required.

**3.95 Windows Replacement**

Approval is required. Considerations will include, but may not be limited to, size, color, existing and proposed window style and style of home.

**3.96 Windows: Tinting, Security Bars, Well Covers, etc.**

- a. Approval is not required for window well covers that are manufactured with metal or plexiglass. All others will require Committee approval.
- b. Approval is required for any visible window tinting. Highly reflective and/or dark tinting is considered too commercial for residential applications and is not permitted.
- c. Security bars require Approval and may not be approved on second story windows and other windows visible to the street.

**3.97 Work Involving District Property**

Generally, driving vehicles including wheelbarrows across District property is not permitted. However, when circumstances warrant, the Board of Directors will consider requests provided that

prior approval is obtained and the homeowner advances funds as may be reasonably required by the Board of Directors to repair any damage. The actual restoration of the District property will be done by the District.

### **3.98 Xeriscape**

Approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, the design must be approved. A landscape that contains less than 45% sod in the “front” and/or “rear” yards, or “side” yards wider than 15 feet shall be considered xeriscape.

Xeriscape – Landscapes consisting of natural or manmade materials such as rock that do not include turf grasses, shrubs, perennials, annuals and groundcovers. Xeriscape is a prohibited landscape that does not comply with Colorado Springs City Code (see Section 146-1431 Living Material Requirements).

## **IV. LANDSCAPING**

### **4.01 General**

The purpose of this section of the Guidelines is to help you prepare an appropriate landscaping plan for your home site. Careful landscape planning and design of your site will greatly enhance the ultimate appearance of the community. Also see Section III Specific Types of Improvements – Guidelines for more landscape guidelines.

### **4.02 Slopes**

In some cases, there may be relatively steep slopes on an owner’s property. It is important to note that if slopes are not landscaped severe erosion and silting may occur. Therefore, it is recommended that the homeowner install landscape on slopes as soon as possible after moving in. Terracing, or surfacing with stone or other free draining materials can lessen erosion of slopes. Loose aggregate or wood chips are not recommended on slopes unless measures are taken to prevent erosion or displacement by wind and/or water. Slopes can also be planted with ground covers or shrubs to prevent erosion. Select plants appropriate to drainage conditions. Rock gardens are another technique to help prevent slope erosion and create a landscape amenity. Slopes given proper design treatment can become an attractive, interesting part of the landscape.

### **4.03 Soils/Drainage/Grading**

Your home may be constructed on “expansive soils.” The prime characteristic of expansive soils is that they swell when water is introduced. The soil, in essence, acts as a sponge. When this expansion takes place, extreme pressures are exerted on foundations and other man-made structures, which are placed in the ground. The result can be severe structural damage to your home.

It is our intent to remind you that a potential hazard exists when proper drainage is not maintained and/or when water is introduced to these “expansive soils” adjacent to your foundation. When installing your landscaping, it is very important to insure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or against the house

foundation, walkways, sidewalks, and driveways into the street. The irrigation system and landscape must be designed so that it is in complete compliance with the individual home's soil report recommendations, specifically with regard to the no-irrigation zone at the edge of the home's building foundation.

Residents should investigate the existing drainage conditions and preserve and accommodate the drainage situation, which exists on their particular site at the time they purchased their home from the builder or other previous homeowner. See guidelines under "Drainage" in the listings of specific types of improvements. Minor drainage modifications may be made to your lot provided you do not alter the engineered drainage pattern of the lot existing at the time the lot was conveyed to you from the builder or the previous homeowner. Grading can be used to create berms, slopes and swales which can define space, screen undesirable views, noise and high winds. Berm slopes may not exceed 4 feet of horizontal distance to 1 foot of rise or vertical height (4 to 1 slopes) in order to permit greater ease of mowing and general maintenance.

#### **4.04 Soil Preparation**

Soil conditions may vary throughout the community. Individual soil testing is suggested for each lot to determine the exact nature of the soil and the desired level of amendment needed such as mulch, sand and fertilizer to optimize plant growth. Local nurseries may offer assistance in determining the proper quantity and type of soil amendment.

#### **4.05 Retaining Walls**

New or old creosote treated timber railroad ties are prohibited. Retaining walls may be used to accommodate or create abrupt changes in grade. Such walls should be properly anchored to withstand overturning forces. Stone walls should be made thicker at the bottom than at the top to achieve stability. To avoid destructive freeze-thaw action, all retaining walls should incorporate weep holes into the wall design to permit water trapped behind them to be released. Walls should **not** be located so as to alter the existing drainage patterns, and should provide for adequate drainage over or through (by means of weep holes) the wall structure. In no event shall rear yard retaining walls exceed 4 feet in height unless installed by the Builder or Developer. All retaining walls shall comply with applicable City of Colorado Springs requirements and not significantly alter the drainage patterns on the lot or adjacent properties (including District or public areas).

#### **4.06 Climate**

Typical climatic conditions of this area include low precipitation, low average humidity, variable winds, harsh sun and a fairly wide temperature range. Consider plant material with these conditions in mind.

#### **4.07 Screening Views and Directing Winds**

Plant materials can frame pleasant vistas such as views of the mountains. Less desirable views of adjacent land (e.g. highways) can be screened with dense coniferous plantings, earth mounds, fences or walls. High velocity winds can be effectively directed by dense planting.

#### **4.08 Rockscapes**

Boulders and cobbles present an attractive alternative landscape element if used sensitively within the overall landscape composition. Large expanses of rock mulch without substantial shrub or groundcover plantings are unacceptable. Stone or gravel mulch with harsh, unnatural or high contrast colors shall be prohibited, including the use of black granite, white marble and lava rock.

#### **4.09 Irrigation**

The semi-arid climate makes watering necessary. Watering must occur per the City of Colorado Springs's permanent conservation measures. One of the most common tendencies is to oversaturate your lot; water must not run off landscaping per City of Colorado Springs requirements. We urge each homeowner to conserve water and as a result minimize problems on their own lots as well as on adjacent property owner's lots caused by over-watering. A lawn permit should be obtained for new lawn areas, which will allow proper watering for establishment. An automatic, underground irrigation system is required for every lot per the City of Colorado Springs. Irrigation must be designed per the City of Colorado Springs Irrigation Ordinance. An irrigation permit must be obtained from the City of Colorado Springs prior to installation of a new system or modification of an existing system.

#### **4.10 Paved Areas**

Paving may be used to define areas of intense activity and circulation patterns, such as patios, walks, and steps. Materials that can be used to create attractive patterns and textures are brick, flagstones, stepping stones, pre-cast patterned or exposed aggregate concrete paver or poured concrete. It is suggested that paving materials be earth tone colors when possible. Sufficient slope should be maintained in all paved areas to insure proper drainage.

#### **4.11 Shade**

Shade trees should be placed where they can shade the home or outdoor activity areas. Avoid shading a solar collector, or inhibiting the effectiveness of passive solar design measures both on your property as well as neighboring properties. For example, broad-leaved deciduous trees screen out the intense summer sun, but allow winter warmth to penetrate. Also, trees and shrubs should not be planted within existing drainage swales so as to block designated drainage patterns.

#### **4.12 Landscape Materials**

Deciduous trees, such as oaks, and evergreen trees, such as Austrian pines, provide summer shade or can be used as a windbreak. Evergreens provide good backdrops for displaying ornamental trees and contrasting flowers as well as providing a visual screen.

Shrubs such as junipers may be used as specimens or in masses. Shrubs can also be used in combination with trees as windbreaks or to add color and texture to the landscape. Low growing, spreading shrubs may be used as groundcover treatment and present an attractive method of reducing water consumption.

Ornamental trees such as flowering crabapples provide accent, color, and additional interest to the residential landscape and may be a more appropriate scale for small areas of a lot than large deciduous trees.



Groundcovers may play an important role in consolidating the surface of fine-grained soils to prevent erosion and sedimentation. They may be useful in place of a lawn, especially where they will also require less water than turf grass.

Vines may be used as a groundcover or as a shading element over a trellis or as a screen when planted adjacent to a fence. Please be aware of the damage some vines can do to the siding of a home and consider a free-standing structure for all vines adjacent to the home.

Garden flowers may be used as elements of seasonal color. Perennials and annuals should be considered.

Vegetable gardens may be integrated with planting beds.

#### **4.13 Mulches**

Mulches modify the extremes of soil temperature and improve soil by producing humus, and reducing evaporation loss. Mulches are typically used in shrub and groundcover beds and may consist of a variety of organic materials such as ground bark, wood chips, or pole peelings. Natural wood mulch has environmental advantages to plant material and its use is strongly encouraged. Stone or gravel mulch is also acceptable, however those with harsh, unnatural or high contrast colors shall be prohibited, including the use of black granite, white marble and lava rock.

#### **4.14 Landscape Maintenance**

Good consistent maintenance is essential for healthy plant materials. The following are some suggested maintenance considerations and ways of minimizing maintenance problems:

- A) Plant with regard to climate. Consider ultimate size, shape, and growth rate of species.
- B) Locate plants and irrigation heads out of the way of pedestrian-bicycle traffic and car bumpers.
- C) Provide simple guying systems for trees for a minimum of one year and wrap trees most susceptible to sun scald with burlap or paper during fall or winter months until they are greater than 4" caliper.
- D) Make provisions for efficient irrigation; drain and service sprinkler systems on a regular basis and conduct operational checks on a weekly basis to insure proper performance of the system.
- E) Provide good soil mixes with sufficient organic material.
- F) Use mulch to hold soil moisture and to help prevent weeds and soil compaction.
- G) Provide required fertilization, weed and pest controls etc., as required for optimum plant growth.
- H) Prune woody plants when needed. Never prune more than 1/3 of foliage.
- I) Space groves of trees or single trees to allow for efficient mowing.
- J) Locate plants with similar water, sun and space requirements together.
- K) Understand the mature height and width of plant material and locate them appropriately from fences, patios, decks and the house to accommodate growth.

# **SCHEDULE 1**

# **FENCE DETAILS**

**[See attached sheets]**

**SCHEDULE 2**  
**APPROVED FENCE**  
**STAIN COLORS**

# SCHEDULE 3

## PLANT PALETTE

### COMMON NAME

### BOTANICAL NAME

#### DECIDUOUS SHADE TREES

Autumn Blaze Maple	<i>Acer x freemanii</i> 'Autumn Blaze'
Western Catalpa	<i>Catalpa speciosa</i>
Western Hackberry	<i>Celtis occidentalis</i>
Autumn Purple Ash	<i>Fraxinus americana</i> 'Autumn Purple'
Cimmaron Ash	<i>Fraxinus pennsylvanica</i> 'Cimmaron'
Summit Ash	<i>Fraxinus pennsylvanica</i> 'Summit'
Skyline Honeylocust	<i>Gleditsia triacanthos inermis</i> 'Skyline'
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>
Swamp White Oak	<i>Quercus bicolor</i>
English Oak	<i>Quercus robur</i>
Greenspire Linden	<i>Tilia cordata</i> 'Greenspire'
Valley Forge Elm	<i>Ulmus americana</i> 'Valley Forge'

#### ORNAMENTAL TREES

Washington Hawthorn	<i>Crataegus phaenopyrum</i>
Prairiefire Crabapple	<i>Malus</i> 'Prairiefire'
Spring Snow Crabapple	<i>Malus</i> 'Spring Snow'
Canada Red Chokecherry	<i>Prunus virginiana</i> 'Canada Red'
Japanese Tree Lilac	<i>Syringa reticulata</i>

#### EVERGREEN TREES

Fat Albert Spruce	<i>Picea pungens</i> 'Fat Albert'
Pinon Pine	<i>Pinus edulis</i>
Limber Pine	<i>Pinus flexilis</i> 'Vanderwolf's Pyramid'
Bosnian Pine	<i>Pinus heldreichii</i> var. <i>leucodermis</i>
Austrian Pine	<i>Pinus nigra</i>
Ponderosa Pine	<i>Pinus ponderosa</i>
Southwestern White Pine	<i>Pinus strobiformis</i>

## DECIDUOUS SHRUBS

Saskatoon Serviceberry	Amelanchier alnifolia
Crimson Pygmy Barberry	Berberis thunbergii 'Atropupurea Nana'
Butterfly Bush	Buddleia davidii
Blue Mist Spirea	Caryopteris x clandonensis
Mountain Mahogany	Cercocarpus montanus
Red Twig Dogwood	Cornus sericea 'Bailey'
Rock Cotoneaster	Cotoneaster horizontalis
Dwarf Burning Bush	Euonymus alatus 'Compacta'
Beauty Bush	Kolkwitzia amabilis
Oregon Grape Holly	Mahonia aquifolium
Cheyenne Mockorange	Philadelphus lewisii 'Cheyenne'
Diablo Ninebark	Physocarpus opulifolius 'Diablo'
Dwarf Ninebark	Physocarpus opulifolius 'Nanus'
Abbotswood Potentilla	Potentilla fruticosa 'Abbotswood'
Coronation Triumph Potentilla	Potentilla fruticosa 'Coronation Triumph'
Western Sand Cherry	Prunus besseyi
Three Leaf Sumac	Rhus trilobata
Golden Currant	Ribes aureum
Red Lake Currant	Ribes sativum 'Red Lake'
Flower Carpet Rose	Rosa varieties
Anthony Waterer Spirea	Spiraea japonica 'Anthony Waterer'
Little Princess Spirea	Spiraea japonica 'Little Princess'
Miss Kim Lilac	Syringa patula 'Miss Kim'
Common Lilac	Syringa vulgaris
Korean Spice Viburnum	Viburnum carlesii
Mohican Viburnum	Viburnum lantana 'Mohican'

## EVERGREEN SHRUBS

Lena Broom	Cytisus x 'Lena'
Emerald Gaiety Euonymus	Euonymus fortunei 'Emerald Gaiety'
Spartan Juniper	Juniperus chinensis 'Spartan'
Arcadia Juniper	Juniperus sabina 'Arcadia'
Buffalo Juniper	Juniperus sabina 'Buffalo'
Oregon Grape Holly	Mahonia aquifolium
Globe Dwarf Spruce	Picea pungens 'Globosa'
Mesa Verde Spruce	Picea pungens 'Mesa Verde'
Mops Mugo Pine	Pinus mugo 'Mops'
Mugo Pine	Pinus mugo mughus

## ORNAMENTAL GRASSES

Feather Reed Grass	<i>Calamagrostis acutiflora</i> 'Karl Foerster'
Plume Grass	<i>Erianthus ravennae</i>
Blue Avena Grass	<i>Helictotrichon sempervirens</i>
Maiden Hair Grass	<i>Miscanthus sinensis</i> 'Gracillimus'
Dwarf Maiden Grass (Yaku Jima)	<i>Miscanthus sinensis</i> 'Yaku Jima'
Heavy Metal Switch Grass	<i>Panicum virgatum</i> 'Heavy Metal'
Red Switch Grass	<i>Panicum virgatum</i> 'Shenandoah'
Hardy Fountain Grass	<i>Pennisetum alopecuroides</i> 'Hameln'
Oriental Fountain Grass	<i>Pennisetum orientale</i>

## GROUNDCOVERS

Snow-in-Summer	<i>Cerastium tomentosum</i>
Purpleleaf Wintercreeper	<i>Euonymus fortunei</i> 'Coloratus'
Virginia Creeper	<i>Parthenocissus quinquefolia engelmannii</i>
Showy Stonecrop	<i>Sedum spectabile</i>
Hens and Chicks	<i>Sempervirens</i> sp.
Wooly Thyme	<i>Thymus pseudolanuginosus</i>
Periwinkle	<i>Vinca minor</i>