

# **RESIDENTIAL IMPROVEMENT GUIDELINES AND SITE RESTRICTIONS FOR TALON POINTE**

EFFECTIVE DATE FEBRUARY, 2016

REVISED NOVEMBER 14, 2017

REVISED NOVEMBER 1, 2018

REVISED MAY 11, 2023

## Table of Contents

1	INTRODUCTION.....	6
	1.1 Basis for Guidelines.....	6
	1.2 Definitions.....	6
	1.3 Contents of Guidelines.....	6
	1.4 Architectural Review Committee or Representative.....	6
	1.5 ARC Contact Information.....	6
	1.6 Effect of Covenants.....	7
	1.7 Effect of Governmental and Other Regulations.....	7
	1.8 Interference with Utilities.....	7
	1.9 Goal of Guidelines.....	7
	1.10 Enforcement of Covenants and Design Guidelines.....	8
	1.11 Production Builders.....	8
	1.12 Extent of Control.....	9
	1.13 General Housing Guidelines.....	9
2	PROCEDURES FOR ARC APPROVAL.....	11
	2.1 General.....	11
	2.2 Drawings or Plans.....	11
	2.3 Submission of Drawings and Plans.....	12
	2.4 Action by ARC.....	12
	2.5 Revisions and Additions to Approved Plans.....	12
	2.6 Rights of Appeal.....	13
	2.7 Completion of Work.....	13
	2.8 Notice of Completion.....	13
	2.9 Inspection of Work.....	13
	2.10 Notice of Non-compliance.....	14
	2.11 Correction of Non-compliance.....	14
	2.12 Amendment.....	14
	2.13 Questions.....	14
3	SPECIFIC TYPES OF IMPROVEMENTS / SITE RESTRICTIONS.....	15
	3.1 General.....	15

3.2	Accessory Buildings.....	15
3.3	Additions and Expansions .....	16
3.4	Address Numbers .....	16
3.5	Advertising .....	16
3.6	Air Conditioning Equipment .....	17
3.7	Antennae/Satellite Dishes.....	17
3.8	Artificial Turf .....	18
3.9	Awnings .....	19
3.10	Balconies .....	19
3.11	Barbecue/Gas Grills.....	19
3.12	Basketball Backboards .....	20
3.13	Birdbaths .....	20
3.14	Birdhouses and Bird Feeders .....	20
3.15	Carpports .....	20
3.16	Clothes Lines and Hangers .....	20
3.17	Cloth or Canvas Overhangs .....	20
3.18	Compost.....	20
3.19	Decks .....	21
3.20	Dog Houses .....	21
3.21	Dog Runs .....	21
3.22	Doors .....	22
3.23	Drainage .....	22
3.24	Driveways .....	22
3.25	Evaporative Coolers.....	23
3.26	Exterior Lighting .....	23
3.27	Fences .....	23
3.28	Fire Pits.....	24
3.29	Firewood Storage.....	24
3.30	Flags/Flagpoles.....	25
3.31	Garbage Containers and Storage Areas .....	25
3.32	Gardens – Flower or Vegetable.....	25
3.33	Gazebos.....	25
3.34	Grading and Grade Changes.....	25
3.35	Greenhouses .....	25
3.36	Hanging of Clothes .....	25
3.37	Hot Tubs and Jacuzzis .....	25
3.38	Irrigation Systems .....	26

3.39	Kennels .....	26
3.40	Landscaping.....	26
3.41	Latticework, Trellis, Arbors .....	27
3.42	Lights and Lighting.....	28
3.43	Mailboxes.....	29
3.44	Ornaments/Art - Landscape/Yard .....	29
3.45	Overhangs/Awnings- Cloth or Canvas.....	29
3.46	Painting .....	29
3.47	Patio Covers .....	30
3.48	Patios - Enclosed.....	30
3.49	Patios - Open .....	30
3.50	Paving .....	30
3.51	Pipes .....	31
3.52	Play Structures and Sports Equipment.....	31
3.53	Playhouses .....	31
3.54	Poles .....	31
3.55	Ponds and Water Features.....	31
3.56	Pools .....	31
3.57	Radio Antennae .....	32
3.58	Radon Mitigation Systems .....	32
3.59	Roofing Materials .....	32
3.60	Rooftop Equipment.....	32
3.61	Satellite Dishes .....	32
3.62	Saunas .....	32
3.63	Screen Doors .....	32
3.64	Seasonal Decorations.....	33
3.65	Sewage Disposal Systems/Septic Systems (Individual).....	33
3.66	Sheds .....	33
3.67	Shutters - Exterior .....	33
3.68	Siding .....	33
3.69	Signs .....	33
3.70	Skylights.....	34
3.71	Solar Energy Devices .....	34
3.72	Spas .....	34
3.73	Sprinkler Systems.....	34
3.74	Statues or Fountains.....	34
3.75	Storage Sheds .....	34

3.76	Sunshades .....	34
3.77	Swamp Coolers.....	34
3.78	Swing Sets .....	35
3.79	Television Antennae .....	35
3.80	Temporary Structures .....	35
3.81	Trash Containers, Enclosures, and Pick Up.....	35
3.82	Tree Houses .....	35
3.83	Tree Lawn .....	35
3.84	Utility Equipment.....	36
3.85	Vanes .....	36
3.86	Vents .....	36
3.87	Walls .....	36
3.88	Walls, Retaining .....	36
3.89	Weather Vanes and Directionals .....	36
3.90	Wind Electric Generators .....	36
3.91	Windows Replacement .....	36
3.92	Windows: Tinting, Security Bars, Well Covers, etc.....	37
3.93	Work Involving District Property.....	37
3.94	Xeriscape .....	37
SCHEDULE 1 – DESIGN REVIEW REQUEST FORM.....		38
SCHEDULE 2 –STAIN COLORS AND FENCE TRANSITIONS.....		42
SCHEDULE 3 - FRONT YARD LIGHT POST GUIDELINES .....		46
SCHEDULE 4 - LANDSCAPE DETAIL .....		47

# **1 INTRODUCTION**

## **1.1 Basis for Guidelines**

These Residential Improvement Guidelines and Site Restrictions (the “Guidelines”) are intended to assist Owners living in the Talon Pointe Community (the “Community”) in implementing landscaping and other Improvements to their property. The Covenants and Restrictions of Talon View, recorded in the real property records of Adams County, Colorado on August 26, 2013, at Reception Number 2013000074580 and the Covenants and Conditions of Talon Pointe, recorded in the real property records of Adams County, Colorado on August 25, 2013, at Reception Number 2013000074582 (collectively, the “Covenants”) require that prior approval from the Board of Directors of Talon Pointe Metropolitan District (“the District”), or the representative or committee appointed by the Board of Directors (the “Board”) of the Directors (herein referred to as the Architectural Review Committee or the “ARC”, regardless of who is acting as such) be granted before the construction, erection, placement, alteration, planting, installation or modification of any Improvement upon any Lot shall be made. In order to assist Owners, the ARC 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 ARC with respect to property subject to the Covenants.

## **1.2 Definitions**

All words and phrases used in these Guidelines shall have the meaning provided in the Covenants unless otherwise defined herein.

## **1.3 Contents of Guidelines**

In addition to the introductory material, these Guidelines contain (A) a summary of procedures for obtaining approval from the ARC (see Section 2); and (B) a listing of specific types of Improvements that Owners might wish to make with specific information as to each of these types of Improvements (see Section 3).

## **1.4 Architectural Review Committee or Representative**

The ARC is the Board, unless the Board has appointed a representative or committee to act on its behalf, in which case the ARC shall consist of such appointed representative or committee.

## **1.5 ARC Contact Information**

The contact information of the ARC, Persons, committee or representative authorized to administer the architectural review process is:

COMPANY NAME	OFFICE	E-MAIL
Teleos Management Group Angela Elliot	303-818-9365	angela@teleos-services.com

**1.6 Effect of Covenants**

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

**1.7 Effect of Governmental and Other Regulations**

Use of property and any Improvements must comply with any applicable building codes and other governmental requirements and regulations. Additionally, the Community is subject to the restrictions and controls established in the Talon View Planned Unit Development (PUD). Owners are encouraged to contact the City of Thornton for further information and requirements for Improvements they wish to make.

**APPROVAL BY THE ARC DOES 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.**

**1.8 Interference with Utilities**

In making Improvements to property, Owners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Owners should not construct any Improvements over such easements without the consent of the utility involved, and Owners 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**

**1.9 Goal of Guidelines**

Compliance with these Guidelines and the provisions of the Covenants will help preserve the inherent architectural and aesthetic quality of the Community. It is the responsibility of the ARC to ensure that all proposed Improvements meet or exceed the requirements of these Guidelines and to promote the highest quality design for the neighborhood. 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 ARC and neighbors will go far in creating an optimum environment, which will benefit all Owners. By following these Guidelines and obtaining prior written approval for Improvements to property from the

ARC, Owners 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 ARC's interpretation shall be final and binding.

### **1.10 Enforcement of Covenants and Design Guidelines**

The Talon Pointe Metropolitan District (the "District") shall have primary responsibility for the enforcement of the architectural requirements of the Covenants and these Guidelines. The District and/or its agents will investigate written complaints concerning violations of the requirements/prohibitions of the Covenants or these Guidelines, if such complaints are signed and dated by the person making the complaint. The District, its agents, and the ARC shall use all reasonable means to maintain the anonymity of complainants. 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. 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. Specific duties and powers of the ARC and the District are more fully set forth in the Covenants.

### **1.11 Production Builders**

Per the Covenants, the Developer and any Builder designated in writing by the Declaration, are exempt from the requirement to obtain architectural approval from the ARC. For requests from builders which have purchased a group of Lots with the intent to build homes thereon for sale to third parties, but which are not designated as a Builder pursuant to the Covenants (each a "Production Builder"), the following shall apply.

- A.** The Production Builder must submit a complete set of plans for each home design to be considered. Upon review and approval by the ARC, any of the approved plans may be built within the community at the discretion of the Production Builder upon written notice to the ARC as to which Lot the plan will be constructed on.
- B.** The Production Builder may build the identical plan and elevation on more than one Lot provided the Lots on which such identical plans are constructed are separated by at least two Lots with distinctly different plans.
- C.** The Production Builder may build the same plan with a different elevation and paint scheme provided the Lots are separated by at least one Lot with a distinctly different plan.
- D.** The Production Builder may not build an identical plan on any Lots directly across the street from each other unless the plans have a different elevation and paint scheme.
- E.** To qualify as a Production Builder, the builder must offer a minimum of 4 different plans with a minimum of 3 elevations each and a minimum of 5 paint



schemes.

- F. The Production Builder may submit standardized landscaping plans for the front and/or rear yard for review and approval. The same landscaping plan may not be constructed on Lots immediately adjacent to each other.

Once a home has been purchased by a third party from a Production Builder, these Guidelines will control. All future changes, modifications and additions to the Lot must be approved by the ARC.

### **1.12 Extent of Control**

The Talon View Planned Unit Development and the Talon Pointe Metropolitan District Boundary encompass property that may not be subject to these Guidelines.

These Guidelines are drafted to control the residential lots shown on the final plats of Talon View and Talon Pointe. Portions of the Community include commercial uses that are not subject to these Guidelines.

### **1.13 General Housing Guidelines**

Residential Properties within the Community are defined by three distinct Community areas.

The eastern edge of the Community is defined by large ( $\frac{1}{2}$  acre +/-) Lots with semi-custom home styles (each an "Estate Lot"). The minimum home square footage for an Estate Lot is 3,000 square feet for ranch style homes and 3,000 square feet for two story style homes. All homes must have a minimum 3 car side-by-side garage with a minimum of 2 separate garage doors. 4 car garages are encouraged. The product design must consider 'four sided architecture' with focus on integration of all elements into a cohesive design. All other design Guidelines defined herein shall apply.

The eastern-middle portion of the Community is defined by mid-sized suburban (60' building envelope +/-) Lots with production home styles (each a "Mid-Sized Lot"). The minimum home square footage for a Mid-Sized Lot is 1,600 square feet for ranch style homes and 1,900 square feet for two story style homes. All homes must have a minimum 2 car side-by-side garage. 3 car garages are encouraged. The product design will focus on the front façade with pleasing side and rear elevations that complement the overall design. All other design Guidelines defined herein shall apply.

The western portion of the Community is defined by small suburban (50' building envelope +/-) Lots with production home styles (each a "Small Lot"). The minimum home square footage for a Small Lot is 1,600 square feet for ranch style homes and 1,800 square feet for two story homes. All homes must have a minimum 2 car side-by-side garage. 3 car garages are encouraged. The product design will focus on the front façade with pleasing side and rear elevations that complement the overall design. All of the

design Guidelines defined here shall apply.

Homes smaller than 1,600 square feet, but no smaller than 1,469 square feet, may be constructed on Small Lots and Mid-Sized Lots in the eastern and middle portion of the community provided that homes less than 1,600 square feet are not constructed in more than 10% of the Community (29 Lots), and are separated by a minimum of two other homes that are 1,600 square feet or larger.

Because of the differing size, yard area and character between the Estate Lots, the Mid-Sized Lots, and the Small Lots, there may be different guidelines or standards for each, and the same will be specifically set forth in these Guidelines. Unless otherwise stated or differentiated, the following Guidelines shall apply to all Estate Lots, Mid-Sized Lots, and Small Lots, and any references to a Lot or Lots shall include all of the same.

***Remainder of the Page Intentionally Left Blank.***

## **2 PROCEDURES FOR ARC APPROVAL**

### **2.1 General**

As indicated in Section 3, there are some cases in which advance written approval of the ARC is not required if the guidelines with respect to that specific type of Improvement are followed. In a few cases, as indicated in Section 3, a specific type of Improvement is not permitted under any circumstances. In all other cases, including Improvements not included in Section 3, advance, or prior written approval by the ARC is required before an Improvement to property is commenced.

### **2.2 Drawings or Plans**

Owners are required to submit to the ARC a Design Review Request Form (see Schedule 1) and complete plans and specifications (said plans and specification to show exterior design, height, materials, color, location of the Improvements, plotted horizontally and vertically, location and size of driveways, location, size and type 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 Owner, 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 (10) feet by twelve (12) feet 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 Owner, the address of the home, the lot, block and filing number, e-mail and a telephone number where the Owner can be reached.
- D.** The proposed Improvements must take into consideration the easements, building location restrictions and sight distance limitations at intersections.

- E. Owners should be aware that many Improvements require a permit from the City of Thornton. The ARC 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.

### **2.3 Submission of Drawings and Plans**

Drawing or plans (minimum acceptable size 8.5" x 11") must be submitted to the ARC 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 from the entity listed in Section 1.5) shall be submitted with the Design Review Request Form. In addition, any costs incurred by the ARC 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 ARC in reviewing any submission will be assessed to the Owner requesting approval of the submission.

### **2.4 Action by ARC**

The ARC will meet as required to review plans submitted for approval. The ARC 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 ARC will act upon all requests in writing within forty-five (45) days after the complete submission of plans, specifications, and other materials and information as requested by the ARC. If, for any reason, the ARC fails to review and approve in writing (which may be with conditions and/or requirements) or disapprove, a request for architectural approval within forty-five (45) days after the complete submission of the plans, specifications, materials and other information with respect thereto, such request is deemed denied by the ARC.

### **2.5 Revisions and Additions to Approved Plans**

Any revisions and/or additions to approved plans made by the Owner or as required by any governmental agency, must be re-submitted for approval by the ARC. The revised plans must follow the requirements as outlined above.

## **2.6 Rights of Appeal**

The affirmative, majority vote of the Board shall be required for approval (which may be with conditions and/or requirements) of each matter, unless the Board has appointed a representative or committee to act for it, in which case the decision of such, representative or committee shall control. In the event a representative or committee acting on behalf of the Board decides a request for architectural approval which is adverse to the applicant, then the applicant shall have the right to appeal such decision to the Board, upon a written request therefor submitted to the Board within ten (10) days after such decision by the representative or committee.

## **2.7 Completion of Work**

After approval (which may be with conditions and/or requirements) of any proposed Improvement by the ARC, the proposed Improvement shall be completed and constructed as promptly and diligently as possible, and in complete conformity with all conditions and requirements of the approval. Failure to complete the proposed Improvement by within six (6) months of the date of approval (the "Completion Deadline"), or to complete the Improvement in complete conformance with the conditions and requirements of the approval, shall constitute noncompliance; provided, however, that the ARC may grant extensions of time to individual Owners for completion of any proposed Improvements, either (a) at the time of initial approval of such Improvements, or (b) upon the request of any Owner, provided such request is delivered to the ARC in writing; provided that the Owner is diligently prosecuting completion of the subject Improvements or other good cause exists at the time such request is made.

## **2.8 Notice of Completion**

Upon the completion of an Improvement, the applicant for approval of the same shall give a written "Notice of Completion" to the ARC (in form and substance acceptable to the ARC, or on forms provided by the ARC). Until the date of receipt of such Notice of Completion, the ARC shall not be deemed to have notice of completion of any Improvement on which approval (which may be with conditions and/or requirements) has been sought and granted as provided in this Section.

## **2.9 Inspection of Work**

The Board, or its duly authorized representative, shall have the right to inspect any Improvement at any time, including prior to or after completion, in order to determine whether or not the proposed Improvement is being completed or has been completed in compliance with the approval granted pursuant to this Article. However, such right of inspection shall terminate sixty (60) days after the ARC has received a Notice of Completion from the applicant and no action has been initiated by the ARC. The sixty (60) day period to perform inspections after the ARC has received a Notice of Completion does not apply to or limit the right or authority of the ARC to require compliance with the review and approval process as set forth in the Covenants and these Guidelines, or the

right or authority of the District to enforce the Covenants, these Guidelines, or any Rules and Regulations, including but not limited to the requirements pertaining to the maintenance of Improvements.

## **2.10 Notice of Non-compliance**

If, as a result of inspections or otherwise, the Board determines that any Improvement has been done without obtaining all required approvals (which may be with conditions and/or requirements), or was not done in substantial compliance with the approval that was granted, or has not been completed by the Completion Deadline, subject to any extensions of time granted pursuant to Section 2.7 hereof, then the Board shall notify the applicant in writing of the non-compliance. Such notice of non-compliance shall be given not later than sixty (60) days after the ARC receives a Notice of Completion from the applicant. The notice of non-compliance shall specify the particulars of the Non-compliance.

## **2.11 Correction of Non-compliance**

If the Board determines that a non-compliance exists, the Person responsible for such non-compliance shall remedy or remove the same (and return the subject property or structure to its original condition) within a period of not more than forty-five (45) days from the date of receipt of the notice of non-compliance. If such Person does not comply with the ruling within such period, the Board may, at its option, record a notice of non-compliance against the Lot on which the non-compliance exists, may impose fines, penalties and interest, may remove the non-complying Improvement, or may otherwise remedy the non-compliance, and the Person responsible for such non-compliance shall reimburse the District, upon demand, for all costs and expenses incurred with respect thereto.

## **2.12 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 in its sole discretion as changing conditions and/or priorities dictate.

## **2.13 Questions**

If you have any questions about the foregoing procedures, feel free to call the ARC at the phone number and address listed in the Section 1.5 of these Guidelines.

***Remainder of page intentionally left blank.***

### **3 SPECIFIC TYPES OF IMPROVEMENTS / SITE RESTRICTIONS**

#### **3.1 General**

The following is a listing, in alphabetical order, of a wide variety of specific types of Improvements which Owners 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 ARC and written approval of the ARC obtained before the Improvements are made. In some cases, where it is specifically so noted, an Owner may proceed with the Improvements without advance approval if the Owner follows the stated guideline. In some cases, where specifically stated, some types of Improvements are prohibited. ARC review and approval is required on any external items not be listed below.

##### **3.1.1 Variances**

Approval of any proposed plans by the granting of a variance from compliance with any of the provisions of these Guidelines is at the sole discretion of the governing board of the District when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require.

##### **3.1.2 Liability**

Neither the Board, the members of thereof, nor any representative or committee appointed by the Board, or the members thereof, shall be liable in damages to any person submitting requests for approval or to any approval, or failure to approve or disapprove regarding any matter within its jurisdiction. Neither the Board, the members thereof, nor any representative or committee appointed by the Board, or the members thereof shall bear any responsibility for ensuring structural integrity or soundness of approved construction or modifications, or for ensuring compliance with building codes and other governmental requirements. The same shall not make any investigation into title, ownership, easements, rights-of-way, setbacks or other rights appurtenant to property with respect to architectural requests and shall not be liable for any disputes relating to the same.

##### **3.1.3 No Unsightliness**

All unsightly conditions, structures, facilities, equipment, and objects, including snow removal equipment and garden or maintenance equipment, when not in actual use, must be enclosed within a structure.

#### **3.2 Accessory Buildings**

Approval is required. Approval will be based upon, but not limited to, the following criteria:

- A.** Storage sheds and/or accessory buildings must be aesthetically compatible and

consistent with the style and character of the home and other homes in the same general area of the Community. For Mid-Sized Lots and Small Lots, storage sheds and/or any accessory buildings shall not be more than ten (10) feet by twelve (12) feet, and shall not be more than eight (8) feet high at the roof peak. The roof pitch must be complementary to the existing roof on the home, unless otherwise approved by the ARC. For Estate Lots, larger accessory buildings may be permitted, including RV storage garages, with the prior approval of the ARC. Any RV storage garage, whether attached or detached, shall be constructed of materials complementary to the existing home on the Estate Lot, and shall be no higher than sixteen (16) feet for detached garages or no higher than the structure to which it is attached for attached garages.

- B.** Siding, roofing, color and trim materials must match those on the home, unless otherwise approved by the ARC.
- C.** Small Lots may not have a suitable location for a storage shed. In any case, no more than one (1) storage shed and one (1) playhouse (see Section 3.53, Playhouses) shall be permitted per Lot.
- D.** The ARC, in reviewing and approving or denying an application for approval of a storage shed or accessory building, shall take into consideration Lot size, square footage of the home, the existing grading, fence locations, landscape screenings, etc.
- E.** Any utilities serving the storage shed or accessory building shall be underground.
- F.** A playhouse or play structure shall not be considered an accessory building.

### **3.3 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.

### **3.4 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.

### **3.5 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, for no longer than 60 days total. See Section 3.69, Signs.



### 3.6 Air Conditioning Equipment

Approval is required for all air conditioning equipment including evaporative coolers (swamp coolers) and attic ventilators installed after the initial construction unless completely screened from view from the ground level of adjacent Lots and from the street.

Approval is not required for replacement of existing air conditioning equipment with like equipment.

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.

### 3.7 Antennae/Satellite Dishes

Small antennae/satellites may be installed and maintained on any Lot, only upon compliance with the following conditions:

#### 3.7.1 General

"Permitted Antennas" are defined as (a) an antenna which is less than one meter in diameter and is used to receive direct broadcast satellite service, including direct-to-home satellite services, or is used to receive or transmit fixed wireless signals via satellite; (b) an antenna which is less than one meter in diameter and is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services or is used to receive or transmit fixed wireless signals other than via satellite; (c) an antenna which is designed to receive broadcast television broadcast signals; or (d) other antennas which are expressly permitted under applicable federal statutes or regulations. In the event a Permitted Antenna is no longer expressly permitted under applicable federal statutes or regulations, such antenna will no longer be a Permitted Antenna for purposes of this Section. Installation of Permitted Antennas shall not require the approval of the ARC.

**A.** All Permitted Antennas 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 Permitted Antennas 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:

- (1) Inside the structure of the house, not visible from the street

- (2) Rear yard or side yard, behind and below the fence line
  - (3) Rear yard or side yard, mounted on the house, in the least visible location below roofline
  - (4) Side yard in front of wing fence, screened by and integrated into landscaping
  - (5) Back rooftop
  - (6) Front yard screened by and integrated into landscaping.
- B.** If more than one (1) location on the Lot 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.** Permitted Antennas shall not encroach upon common areas or any other Owner's property.

### **3.7.2 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 Permitted Antennas 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 Permitted Antenna, including but not limited to costs to install, replace, repair, maintain, relocate, or remove the Permitted Antenna.
- D.** All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Any external wiring shall be run under eaves, along siding or next to downspouts to be as inconspicuous as possible. Permitted Antennas, 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.** All other antennas, not addressed above, are prohibited.

## **3.8 Artificial Turf**

### **3.8.1 General**

Artificial turf may be considered in fenced rear yard areas. Total artificial turf area of any height may not exceed seventh percent (70%) of the rear yard. The color must be similar to the geographical area, preferably a blended, multi-color

monofilament fiber. The design intent is for artificial turf to emulate natural grass. Submittal must include the intended use and a sample of the proposed material showing the color and pile height.

### **3.8.2 Installation Considerations.**

- A.** Professional installation is required and must include a weed barrier and a porous, aggregate road base for drainage.
- B.** Proper infill for residential application, such as silica sand or “Envirofill” for kid and pet areas must be used. If only for a pet-use area, a product with less secondary thatch may be used. Infill must not be toxic to humans or pets and must blend into the turf and not be visually distracting.
- C.** The established drainage pattern may not be blocked or altered by the installation of artificial turf.
- D.** A weed suppressor must be used under seams and the seams must be properly secured.
- E.** If an artificial turf area will meet a native area, it must be separated with a barrier of at least four inches of hardscape or planting area.

### **3.8.3 Maintenance Considerations**

Artificial turf must be cleaned as necessary and periodically groomed to maintain its appearance. The District reserves the right to inspect and require replacement after the life expectancy has been reached, typically 15-20 years, or if the turf is not maintained in good condition.

## **3.9 Awnings**

See Section 3.45, Overhangs/Awnings – Cloth or Canvas.

## **3.10 Balconies**

See Section 3.19, Decks.

## **3.11 Barbecue/Gas Grills**

Approval is not required. 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.

### **3.12 Basketball Backboards**

Approval is not required, subject to the following limitations. No basketball backboards shall be attached to the garage. Only portable basketball backboards shall be allowed if the following guidelines are met:

- A.** Portable units cannot be placed in the public right of ways, streets, sidewalks or street lawns;
- B.** Location must be at least half of the length of the driveway away from the street,
- C.** Portable basketball backboards may not be permanently located in side yards or back yards,
- D.** Portable basketball backboards may be left out when not in use only if the backboard, hoop, and net are in good repair. Portable basketball backboards that are not in good repair, including the hoop and net, must be stored out of sight when not in use and may not be left out for more than 24 hours.

### **3.13 Birdbaths**

See Section 3.74, Statues or Fountains.

### **3.14 Birdhouses and Bird Feeders**

Approval is not required, subject to the following limitations. If installed in the rear yard and the size is limited to one foot by two feet no approval is required. 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.

### **3.15 Carports**

Approval will not be granted.

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

Clothes Lines and Hangers are NOT allowed.

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

See Section 3.45, Overhangs/Awnings – Cloth or Canvas.

### **3.18 Compost**

Approval is not required provided the compost container is not visible to adjacent

properties and odor must be controlled. Underground composting is not allowed.

### **3.19 Decks**

Approval is required. The deck must be constructed of redwood or composite type decking products and approved by the ARC. 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.

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 thirty (30) inches above grade shall be a minimum eight (8) 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 ( $\frac{1}{2}$ ) inch thick boards and stained or painted to match the remaining portions of the deck. Decks may not be more than twenty five (25) percent of the entire rear Lot of the home unless otherwise approved by the ARC. Construction shall not occur beyond the side plane of the home and must be set back a minimum of ten (10) feet from the rear property line or as dictated by zoning. No decks with abutting rear Lot lines shall be within thirty (30) feet of each other at any point.

Owners must periodically maintain the deck, including but not limited to, fading, warping, etc.

### **3.20 Dog Houses**

Approval is required by the ARC. Dog houses are restricted to ten (10) square feet and a height of four (4) feet. The dog house 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 the home. Limit of one dog house per Lot.

### **3.21 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, shrubs or perimeter fencing. Dog runs will be limited to two hundred (200) square feet. Dog run fences must be made of wood and should be left natural in color and sealed to prevent weathering. Covers (e.g. tarps, sheets, blankets, etc.) on dog runs are not allowed.

### **3.22 Doors**

Approval is not required for the replacement of 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).

- A. Screen Doors.** Screen doors are those that are designed to allow air flow into the home, and are not constructed with solid materials designed to provide water or weather protection. Approval is not required for screen doors as long as the door is complimentary with the color scheme of the home. Owners wishing to utilize a different color must first obtain approval.
- B. Storm Doors.** Storm doors are those that are constructed with frames and glass panels, and may have screens, and which are designed to provide water and weather protection. Approval is not required for storm doors as long as the door is complimentary with the color scheme of the home. Owners wishing to utilize a different color must first obtain approval.
- C. Security Doors and Windows.** All security or security-type doors and windows (meaning those with bars or other components designed to prevent or hinder entry) must be approved prior to installation.

### **3.23 Drainage**

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 Owner. When installing your landscaping ensure all grades and flow patterns conform to the homebuilder's design and recommendations. 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 allowed.

### **3.24 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.

### **3.25 Evaporative Coolers**

See Section 3.6, Air Conditioning Equipment.

### **3.26 Exterior Lighting**

See Section 3.42, Lights and Lighting.

### **3.27 Fences**

#### **3.27.1 General Statement**

Fences constructed by the Developer, a Builder or the District 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 ARC.

- A.** If any such fences constructed by the Developer or a Builder which are located upon an Owner's Lot are damaged or destroyed by the Owner, the Owner shall repair or recondition the same at the Owner's expense.
- B.** Some fences may be located upon property owned by the District and, if so, shall not be altered in any way.

#### **3.27.2 Fence Designs**

All fences require approval of the ARC.

- A.** Fences installed by the Owner will be located in the rear or side yard along property lines. Fencing adjacent to streets and District tracts and between lots shall be between three (3) and four (4) feet high, 3 rail cedar wood fencing. If fences of differing heights are adjacent to one another, consideration must be given to the transition between the differing heights. The property owner may install a wire mesh to the inside of the fence to restrain pets. The wire mesh must have a vertical 2"x4" rectangular opening pattern. Gates are preferred to be four (4) feet wide, but may be no wider than five (5) feet if conditions warrant. Privacy fences are not permitted.
- B.** Double fencing of property lines is not permitted. Fences must be placed on the side of the property line of the Owner doing the installation. If 2 Owners are co-installing the fence it may be located directly on the property line.
- C.** Fencing for Dog Runs shall be a minimum of four (4) feet in height and a maximum of five (5) feet in height.

### **3.27.3 Maintenance/Staining**

Regular physical and aesthetic maintenance of fencing is required. All fences must be finished using a clear sealer.

### **3.27.4 Additional Fence Requirements**

- A.** Fence sections which front any public 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 faces out. The most effective method of accomplishing this is to construct the entire fence with the “finished” side out.
- B.** The ARC will require a transitional section of fencing, as applicable, where a fence adjoins a fence of any lesser height, for symmetry and aesthetics. See Schedule 2 for an example of an acceptable transition between fences of differing heights.
- C.** No electric fences are permitted (other than pet containment fencing installed below grade).
- 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 drainage.
- E.** When making a submittal for fencing, include the style and height of the fence, color of stain, and all other descriptive details and a plot plan with the location of the fence clearly marked.

### **3.27.5 Prior Approved Fencing**

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

### **3.28 Fire Pits**

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

### **3.29 Firewood Storage**

Firewood may be stored provided it is in an enclosed bin at the rear of the home.



### **3.30 Flags/Flagpoles**

Approval is required for any freestanding flagpole. Approval is not required for flagpoles mounted to the front of a residence provided that the height of the flagpole does not exceed the height of the roofline of the residence. Flag size cannot exceed sixty (60) inches by thirty-six (36) inches. Flags may not be illuminated without the prior approval of the ARC. Any request for lighting must detail the type and location of the lighting, and any such lighting shall be placed so as not to disturb owners or occupants of neighboring homes.

### **3.31 Garbage Containers and Storage Areas**

See Section 3.81, Trash Containers, Enclosures and Pickup.

### **3.32 Gardens – Flower or Vegetable**

Approval is not required for flower or vegetable gardens that do not exceed two hundred (200) total square feet. Gardens must be set back from the property line at least five (5) feet. All gardens must be weeded, cared for and maintained. Vegetable gardens shall be located in the rear or side yard.

### **3.33 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.

### **3.34 Grading and Grade Changes**

See Section 3.23, Drainage.

### **3.35 Greenhouses**

Greenhouses are not allowed.

### **3.36 Hanging of Clothes**

See Section 3.16, Clothes Lines and Hangers.

### **3.37 Hot Tubs and Jacuzzis**

Approval is required. Hot tubs and Jacuzzis must be an integral part of the deck or patio area and of the rear yard landscaping, and be installed in such a way that it is not immediately visible from the ground level of adjacent Lots and so that it does not create

an unreasonable level of noise for adjacent Lots. 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.

### **3.38 Irrigation Systems**

All Lots 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.

### **3.39 Kennels**

Kennels or the breeding of animals is not allowed.

### **3.40 Landscaping**

Approval is required. Landscaping plans must be in accordance with the specifications shown in Schedule 4, 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 encouraged. This means that in the landscaping of each Lot, plant materials, irrigation systems and maintenance practices should be utilized to conserve water, wherever possible. It should be noted that if Xeriscape landscaping is selected a more traditional "green" appearance can still be achieved. See Section 3.94, Xeriscape.

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.

In the case of evergreen trees (conifer), plantings may not be installed closer than ten feet (10') from the property line.

- A. Thorny plants shall not be located within twenty (20) feet of sidewalks or walkways.
- B. Planting beds must be separated from turf by edging.
- C. Artificial turf is allowed only in the rear yard. See Section 3.8, Artificial Turf.
- D. Landscaping in the Street/Tree lawn area (the area between the curb and the sidewalk) shall require one tree in the front of the house and two trees on Lots that abut a street on the side of the house. In all cases turf grass shall be installed as the standard to facilitate the egress by the passenger from vehicles parked in the street and to facilitate snow removal from the street. Plans utilizing xeriscape shall be limited to low profile plantings designed to allow vehicle passenger egress.

#### **3.40.1 Landscape Installation Schedule**

- A. Landscaping of all yards shall be completed within one year after first conveyance of the on the Lot to the first owner thereof other than the Developer, a Builder, a Production Builder or any other Owner who first purchased the Lot with the intent to construct a home thereon for sale to a third party.
- B. The Owner shall install and thereafter maintain landscaping on their Lot, including the Street/Tree lawn area.

#### **3.40.2 Landscape Maintenance**

Each Owner shall maintain all landscaping on such Owner's Lot in a neat and attractive condition, including mowing, 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.

#### **3.41 Latticework, Trellis, Arbors**

Approval is required for any type of installation of latticework, trellis or arbor. Adequate framing is required. The inside height of a proposed arbor or trellis must not exceed eight (8) feet, six (6) inches. Considerations will include, but may not be limited to, height, color and material. Arbors must be complementary to the residence. Professionally prepared plans for arbors are highly encouraged to expedite the approval process, otherwise a photograph or catalog picture must be provided.

## **3.42 Lights and Lighting**

### **3.42.1 General**

Approval is not required for replacing existing lighting, including coach lights, with the same or similar lighting and style as currently installed.

Approval is required to modify or add exterior lighting.

Approval is required to install motion detector spotlights, spotlights, floodlights or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.).

- A.** Considerations will include, but may not be limited to, the visibility, style and location of the fixture.
- B.** Exterior lighting for security and/or other uses must be directed at the ground and house, whereby the light cone stays within the Lot boundaries and the light source does not cause glare to other Lots (bullet type light fixtures are recommended).
- C.** 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 vertical in their presentation.
- D.** The addition of a front yard light post will be allowed with approval, refer to Schedule 3 for additional guidelines.
- E.** No light shall be emitted from any Lot which is unreasonably bright or causes unreasonable glare. Any exterior lighting installed or maintained on a Lot shall either be indirect or of such controlled focus and intensity so as not to disturb the residents of adjacent or nearby property.

### **3.42.2 Holiday Lighting**

Holiday lighting and decorations do not require approval. It is required that they not be installed more than thirty (30) days prior to the holiday. They shall be removed within thirty (30) days following the holiday. Clips used for holding holiday lighting cords may remain permanently affixed provided they blend in with the façade they are attached too.

### **3.42.3 Jellyfish Lighting**

As used herein, “Jellyfish Lights” shall refer to those certain rope-like LED lights installed on a home and intended to be of a more permanent nature (meaning installed and in place for any period longer than sixty (60) days), regardless of the name brand of the lights intended to be so installed.

The installation of any Jellyfish Lights requires Committee approval, and must meet the following criteria:

- A. Jellyfish Lights may only be installed on the outer portion of the exterior soffits of the home, behind the fascia or trim so that the light is directed downward and so that the light source is not directly visible from neighboring homes, common areas, or streets.
- B. The colors displayed are not limited, but only one color may be displayed (meaning the colors may not rotate or change, except during the time holiday lighting is permitted) and Jellyfish Lights shall not be flashing (except during the time holiday lighting is permitted). Jellyfish Lights may only be illuminated from dusk until 11:00 p.m.
- C. The light cone from any Jellyfish Lights must stay on the property on which they are installed and shall not cause unreasonable glare to neighboring properties.

### **3.43 Mailboxes**

Individual mailboxes are not allowed.

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

See Section 3.74, Statues or Fountains.

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

See Section 3.47, Patio Covers.

### **3.46 Painting**

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

- A. Submit the Design Review Request Form with your color samples and a general

description (or photographs) of the colors of the next two (2) houses on either side of your home.

- B.** Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.
- C.** 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.
- D.** Color selections may be submitted to the ARC in the form of manufacturer's paint chips. Please indicate which color chips are for trim, body and accent (doors and shutters) color.
- E.** 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.

### **3.47 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.

### **3.48 Patios - Enclosed**

See Section 3.3, Additions and Expansions.

### **3.49 Patios - Open**

Approval is required. Open patios must be an integral part of the landscape plan. 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 twenty five (25) percent of the entire rear Lot of the home unless otherwise approved by the ARC.

### **3.50 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.

### **3.51 Pipes**

See Section 3.84, Utility Equipment.

### **3.52 Play Structures and Sports Equipment**

Approval is required for all permanent structures. A minimum five (5) foot setback from the property line is required for trampolines, swing sets, fort structures, etc. In some instances, additional plant material around the equipment may be required for screening. Playsets and swing sets must be in neutral, earth tones. Wood structures must be constructed of pressure treated or other weather resistant materials. All play equipment must be maintained in a good and sightly manner. Height of any play structure or sports equipment may not exceed twelve (12) feet.

### **3.53 Playhouses**

Approval is not required if a structure is less than thirty (30) square feet and less than six (6) feet high, from highest point to the ground. See Section 3.2, Accessory Buildings.

### **3.54 Poles**

See Section 3.30, Flags/Flagpoles and Section 3.84, Utility Equipment.

### **3.55 Ponds and Water Features**

Approval is required. Considerations by the ARC 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 (5) feet from all property lines.
- C.** Must not affect existing drainage on or off the Lot.
- 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 four (4) feet from the ground plane.

### **3.56 Pools**

Approval is required for permanent swimming pools. Such 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 from the ground level of adjacent Lots (i.e. screened with plant material). Owners should consult with the City of Thornton regarding

any requirements relative to size, fencing, etc. Any fencing that may be required for a pool by the City of Thornton shall be submitted to and approved by the ARC as part of the submission for approval of the pool itself.

Above ground pools are prohibited. One (1) wading pool, if less than eighteen (18) inches high and eight (8) feet in diameter and placed in the rear yard is permitted on all Lots on a temporary basis without prior approval. See Section 3.37, Hot Tubs and Jacuzzis.

### **3.57 Radio Antennae**

See Section 3.7, Antennae/Satellite Dishes.

### **3.58 Radon Mitigation Systems**

Approval is not required. Equipment must be painted a color similar or generally accepted as complementary to the exterior of the house. All equipment shall be installed so as to be screened from view.

### **3.59 Roofing Materials**

Approval is required for all roofing materials other than those originally used by the builder. All buildings constructed on a Lot should be roofed with the same or greater quality and type as originally used by the builder.

Approval is not required for repairs to an existing roof with the same building material that exist on the building.

### **3.60 Rooftop Equipment**

See 3.75, Solar Energy Devices.

### **3.61 Satellite Dishes**

See Section 3.7, Antennae/Satellite Dishes.

### **3.62 Saunas**

See Section 3.2, Accessory Buildings.

### **3.63 Screen Doors**

See Section 3.22, Doors.



### **3.64 Seasonal Decorations**

See Section 3.42, Lights and Lighting.

### **3.65 Sewage Disposal Systems/Septic Systems (Individual)**

Individual sewage disposal systems/septic systems are not allowed.

### **3.66 Sheds**

See Section 3.2, Accessory Buildings.

### **3.67 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. Shutters should be the same color as the “accent” color of the home (typically the same as the front door or other accent details).

### **3.68 Siding**

Approval is required. Vinyl siding will not be allowed.

### **3.69 Signs**

Except as provided herein, signs no more than thirty-six inches (36”) by forty-eight inches (48”) in size each may be displayed on a Lot without approval. Signs may not be illuminated without the prior approval of the ARC. Any request for lighting must detail the type and location of the lighting, and any such lighting shall be placed so as not to disturb Owners or occupants of neighboring Lot.

Notwithstanding the above, Commercial Signs may be displayed on a Lot in accordance with the following. Commercial Signs are defined as signs that carry a message making or intended to make a profit, or advertising for the same purpose. The following Commercial Signs may be displayed:

- a) One for sale or for rent sign per Lot may be placed on a Lot during the marketing period of that Lot. Such sign must be removed upon sale or rent of the Lot.
- b) If work is actively being done on a Lot by a contractor engaged by the Owner of the Lot, one Commercial Sign of the contractor doing such work may be displayed on that Lot during for the period of the time work is being performed or 60 days, whichever is less.

### **3.70 Skylights**

Approval is required. Bubble type skylights are prohibited. Skylight glazing must be clear, solar bronze, or white.

### **3.71 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, including solar panels for thermal systems (solar water heaters). The ARC 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 review and the Owner's installation of such devices.

### **3.72 Spas**

See Section 3.37, Hot Tubs and Jacuzzis.

### **3.73 Sprinkler Systems**

See Section 3.38, Irrigation Systems.

### **3.74 Statues or Fountains**

Approval is not required if statues or fountains are installed in the rear yard and are not greater than four (4) feet in height from the highest point, including any pedestal.

Approval is required if the statue or fountain is proposed for the front yard. Statue or fountain location in the front yard should be located close to the main entrance of the house.

### **3.75 Storage Sheds**

See Section 3.2, Accessory Buildings.

### **3.76 Sunshades**

See Section 3.47, Patio Covers.

### **3.77 Swamp Coolers**

See Section 3.6, Air Conditioning Equipment.

### **3.78 Swing Sets**

See Section 3.52, Play Structures and Sports Equipment.

### **3.79 Television Antennae**

See Section 3.7, Antennae/Satellite Dishes.

### **3.80 Temporary Structures**

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 upon any Lot. However, during the actual construction, alteration, repair or remodeling of a structure or other Improvements, necessary temporary structures for storage of materials or waste 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 diligently pursued from the commencement thereof until the completion.

### **3.81 Trash Containers, Enclosures, and Pick Up**

Approval is required for any trash or garbage enclosure. Refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, or debris of any kind may not be kept, stored or allowed to accumulate on any Lot except in sanitary containers or approved enclosures. Trash containers must be properly closed or secured to prevent trash or recycling products from being blown around the community in the event of high winds.

### **3.82 Tree Houses**

Tree houses are not allowed.

### **3.83 Tree Lawn**

An Owner'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, Owners are responsible for the maintenance of the Street/Tree lawn area (the area between the sidewalk and street). Owners are not permitted to alter plant material installed by the Builder or Developer in Street/Tree lawn area, except to replace dead plant material with like material, or as otherwise approved in writing by the ARC. 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.

### **3.84 Utility Equipment**

Approval is required for installation of utilities or utility equipment. Pipes, wires, poles, utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure or conduit.

### **3.85 Vanes**

See Section 3.89, Weather Vanes and Directionals.

### **3.86 Vents**

See Section 3.60, Rooftop Equipment.

### **3.87 Walls**

See Section 3.27, Fences.

### **3.88 Walls, Retaining**

Approval is required. Front yard retaining walls shall not exceed thirty (30) inches in height. In the side yard, retaining walls up to thirty (30) inches high, with a planted slope above the wall, may be constructed with approval of the ARC. In no event shall rear yard retaining walls exceed four (4) feet in height unless installed by the Builder or Developer. Retaining walls shall not alter the drainage patterns on the Lot or adjacent properties. Retaining walls shall be constructed with boulders, stone, brick or split face modular concrete block facing units and installed per manufacturer instructions.

New or old creosote treated timber railroad ties are prohibited.

### **3.89 Weather Vanes and Directionals**

Approval is required.

### **3.90 Wind Electric Generators**

Approval is required. In addition to ARC approval, windmills and any other type of fixture, which fall under the criteria of a wind generator, or are 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.

### **3.91 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.

### **3.92 Windows: Tinting, Security Bars, Well Covers, etc.**

Approval is not required for window well covers that are manufactured with metal or plexiglass. All others will require ARC approval.

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.

Approval is required for security bars and may not be approved on second story windows and other windows visible to the street.

### **3.93 Work Involving District Property**

Approval is required. Generally, driving vehicles, including wheelbarrows, across District property is not permitted. However, when circumstances warrant, the Board will consider requests provided that prior approval is requested and the Owner advances funds as may be reasonably required by the Board to repair any damage. The actual restoration of the District property will be done by the District.

### **3.94 Xeriscape**

Approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, the design must be approved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch will be allowed in place of green, growing plant material.

**SCHEDULE 1 – DESIGN REVIEW REQUEST FORM**

## DESIGN REVIEW REQUEST FORM

In an effort to provide and protect each individual homeowner's rights and property values, it is required that any Owner considering improvements and/or changes to his home or Lot submit a "Design Review Request Form" to the Architectural Review Committee (ARC). If any change is made that has not been approved, per the governing documents, the Owner may be required to change or remove an improvement. In addition, plans, sketches, drawings, illustrations, photographs, dimensions, and material samples should be attached to sufficiently describe the project in detail.

**Homeowner Information:**

Name	Date
Property Address	E-mail:
Home Phone:	Work Phone:
Mailing Address (if different)	Alternative Contact Person/Number

**Please circle the type of request:**

- Back-yard Landscaping    A/C Unit    Awning    Dog Run    Door    Fence
- Front-yard Landscaping    Gazebo/Pergola    Lighting    Paint    Pet Enclosure
- Patio/Deck    Play Equipment    Playhouse/Swing Set    Roofing
- Room Addition    Skylight    Solar Device    Accessory Building    Sport Hoop/Court
- Other (Describe Below)

Details:

**Painting:**

Please state new paint color	Portion of house to be painted
Trim Color (include soffit, fascia boards, and window trim)	Accent Color (includes shutters, window hoods, and exterior doors)

**Shed or Storage Building: (Plot map must be included showing location of building on the map)**

Height of building	Dimensions of building
Square footage of building	Location/placement of building

Where applicable, please include a sample of all improvements (for example: paint chip (8" x 10" swab/swatch), roofing shingle, siding sample, solar screen/awning material sample, etc.)

In submitting this Design Review Request Form the undersigned Owner/Applicant acknowledges the following:

- Approval by the ARC shall in no way be construed as to pass judgment on the correctness of the location, structural design, suitability of water flow or drainage, location of utilities, or other qualities of

the proposed change being reviewed.

- Approval by the DRC shall in no way be construed as to pass judgment on whether the proposed change being reviewed is in compliance with the applicable building and zoning codes
- The ARC shall not make any investigation into title, ownership, easements, rights-of-way, or other rights appurtenant to property with respect to architectural or landscape requests.
- Approval of any particular plans and specifications or design shall not be construed as a waiver of the right of the ARC to disapprove such plans and specifications, or any elements or features thereof, in the event such plans are subsequently submitted for use in any other instance.
- No work on the proposed change shall begin until written approval of the ARC has been received, and that if work is commenced prior to approval, I may be required to return the property to its former condition at my own expense if this Design Review Request Form is disapproved wholly or in part; and I may be required to pay all legal expenses incurred.
- There shall be no deviations from the plans, specifications, and location approved by the ARC without prior written consent of the ARC and any variation from the original approval must be resubmitted for approval.
- I authorize members of the RAC or managing agent to enter upon my Lot at times mutually agreed to in order to make one or more routine inspection(s).
- Construction or alterations in accordance with the approved plans and specifications must be completed within six months of the approved date.
- It is my responsibility and obligation to obtain all required building permits, to contact Colorado 811 for utility locates and to construct the improvements in a workmanlike manner in conformance with all applicable building and zoning codes.
- All construction done will proceed in an orderly and timely manner during normal working hours and at acceptable noise levels. Material placement in public streets is prohibited.
- I am responsible for any damage and all cost to repair public improvements, green space or community property that results from the proposed modification.
- I will maintain proper drainage swales on the Lot when installing landscape or building improvements, while keeping in mind site lot setbacks and all utility easements.
- All improvements will be designed and constructed to conform to the overall drainage plan for my Lot and all neighboring Lots and that no established drainage pattern will be affected by these improvements.

Homeowner Signature (REQUIRED)	Date
Improvement Start Date	Improvement Completion Date

Please return this Design Review Request Form and any supporting materials to:

Talon Point Metropolitan District  
 c/o Teleos Management Group Attn:  
 Joe Saunders  
 6833 S. Dayton Street #163  
 Greenwood Village, CO 80112  
 Phone: (303) 720 325-3674  
 E-mail: Joe@teleos-services.com

Special Note: Pleased make sure your plans are complete and that you have attached all required materials. Incomplete plans will be denied and returned.



Architectural Review Committee Use Only	
Decision of the ARC: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied	
Comments/Conditions/Other:	

DRC Name:	Date
DRC Signature:	
<b>OFFICE USE ONLY</b>	
<b>Date Form Received:</b>	<b>Acknowledgment</b>
<b>Approval Date:</b>	<b>Approval Letter Sent:</b>

**SCHEDULE 2 –STAIN COLORS AND FENCE TRANSITIONS**



SHERWIN-WILLIAMS.



WoodScapes Exterior Acrylic  
Solid Color House Stain

## Stain Color

WoodScapes Exterior Acrylic Solid Color House Stain is available in 48 colors. Tintable in a wide array of colors for ultimate design flexibility and color matching - please [visit](#) your neighborhood Sherwin-Williams Store.

Select a Color

				
SW 3001 Shagbark Exterior	SW 3002 Belvedere Tan Exterior	SW 3003 Buckthorn Exterior	SW 3004 Summerhouse Beige Exterior	SW 3005 Navajo White Exterior
				
SW 3006 Sand Castle Exterior	SW 3007 Lodge Brown Exterior	SW 3008 Blue Spruce Exterior	SW 3009 Pineneedle Exterior	SW 3010 Woodsmoke Gray Exterior
				
SW 3011 Acadia Blue Exterior	SW 3012 Meadowbrook Exterior	SW 3013 Gray Birch Exterior	SW 3014 Juniper Blue Exterior	SW 3015 Sequoia Exterior
				
SW 3016 Rock Rose Exterior	SW 3017 Pepperidge Exterior	SW 3018 Salem Red Exterior	SW 3019 Smoke Tree Exterior	SW 3020 Cape Cod Red Exterior



SW 3021  
Spicewood  
Exterior



SW 3022  
Black Alder  
Exterior



SW 3023  
Flagstone  
Exterior



SW 3024  
River Birch  
Exterior



SW 3025  
Caribou  
Exterior



SW 3026  
King's Canyon  
Exterior



SW 3027  
Driftwood  
Exterior



SW 3029  
Ember  
Exterior



SW 3030  
Desert Wood  
Exterior



SW 3031  
Cabin Brown  
Exterior



SW 3034  
Cedar  
Exterior



SW 3035  
Woodbriar  
Exterior



SW 3036  
Orchard  
Exterior



SW 3037  
Shade Tree  
Exterior



SW 3038  
Palmetto  
Exterior



SW 3039  
Tobacco  
Exterior



SW 3040  
Cottonwood  
Exterior



SW 3041  
Cypress Moss  
Exterior



SW 3042  
Woodland  
Exterior



SW 3043  
Cheyenne Red  
Exterior



SW 3044  
Rancho Red  
Exterior



SW 3045  
Russet Brown  
Exterior



SW 3046  
Pine Cone  
Exterior



SW 3047  
Almond Tree  
Exterior



SW 3048  
Yosemite Gold  
Exterior



SW 3049  
Monterey Tan  
Exterior



SW 3050  
Greenbriar  
Exterior



SW 3051  
Chesapeake  
Exterior



### **SCHEDULE 3 - FRONT YARD LIGHT POST GUIDELINES**

1. Prior written approval is required for exterior lighting.
2. Exterior lights must be conservative in design and be as small in size as is reasonably practical.
3. Exterior lighting should be directed toward the ground and be of low voltage to minimize glare onto neighboring properties and the street.
4. Soft, outdoor pedestrian-oriented lighting should be used of wooden standards with dark colored lighting fixtures so as to be less obtrusive.
5. The light post should match or complement the architecture of the home in design, size, color, and finish along with any existing light fixtures.
6. Light posts shall be located at an appropriate distance from the right-of-way and property line to minimize glare onto neighboring properties and the street and should be integrated into the natural or architectural features of the site.
7. Light or lamp posts shall not be erected higher than 6' feet from ground level, unless approved by the ARC.
8. All lighting should not be intrusive to neighboring properties.

## **SCHEDULE 4 - LANDSCAPE DETAIL**

To maintain the integrity and aesthetics of the Community, the following landscape standards have been adopted. 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.

### **PLANT MATERIAL**

Landscaping shall consist of trees, shrubs, 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 6 feet (6') from the property line. In the case of evergreen trees (conifer), plantings may not be installed closer than 10 feet (10') from the property line. Select a variety of plant species including deciduous and evergreen trees and shrubs. Owners will be required to choose plant material from the approved plant palette. Additional appurtenances, landscape elements, and decorative entry features may be allowed and will be reviewed on a case by case basis.

All plant material shall be installed in the following minimum sizes:

- Deciduous trees - 2.5" caliper
- Ornamental trees - 2" caliper
- Evergreen trees - 6' height minimum
- Shrubs - 5 gallon container (Ornamental grasses (1 gallon) may be substituted for shrubs at a ratio of 3:1)
- Mulch – 1 cubic yard per 80 sq. feet and at a 4" depth
- Rock or Stone Mulch – 3/4" minimum to cobble size, minimum 3" depth Groundcover (excluding mulch), annuals, and perennials - no restrictions

\*Thorny plants shall not be located within 20 feet of sidewalks or walkways.

\*Planting beds must be separated from turf by edging.

## **PLANT LOCATION**

### **FRONT YARD**

As used throughout these Guidelines, the area from the back of the sidewalk to the front of the building and side yard wing fences is defined as the "front yard".

### **SIDE YARD**

As used throughout these Guidelines the "side yard" is the portion of the Lot between the building, side property line, rear of building and behind the front wing fences.

### **REAR YARD**

As used throughout these Guidelines, the "rear yard" is that portion of the Lot between the rear property line and the rear of the building.

## **STANDARD OPTION**

### **FRONT YARD**

#### **Turf Requirement:**

- Small (<6,000 sq. ft.) – 40% min / 50% max
- Standard (6,000-8,999 sq. ft.) – 30% min / 40% max
- Large (9,000-14,999 sq. ft.) 25% min / 40% max
- Estate/Custom (15,000 sq. ft. and greater) – 25% min / 40% max

Artificial Turf is not allowed.

#### **Plant Material Requirement:**

- Small (<6,000 sq. ft.) – 4 Shrubs, 2 Deciduous Trees
- Standard (6,000-8,999 sq. ft.) – 6 Shrubs, 2 Deciduous Trees,
- Large (9,000-14,999 sq. ft.) – 10 Shrubs, 2 Deciduous Trees, 1 Evergreen Tree or 2 Ornamental Trees
- Estate/Custom (15,000 sq. ft. and greater) – 16 Shrubs, 4 Deciduous Trees, 2 Evergreen Trees, 2 Ornamental Trees
- Lots in the eastern portion of the Community are required to have one tree in the Street/Tree lawn area.

### **SIDE YARD**

**Internal Side Yards:** May be covered in rock, no plant material is required but mulches are



needed for stability.

**External Side Yards:** On corner Lots exposed to public view, they shall be landscaped with turf, shrubs and trees at the rate of one tree and 10 shrubs per 40 linear feet of side yard. Lots in the eastern portion of the Community are required to have two trees in the Street/Tree lawn area.

## **REAR YARD**

In rear yards there shall be at least 50% bed coverage in any rock/mulch areas that exist from the back corners of the home out to the back yard fence and/or property line. Bed coverage can be a mix of trees/shrubs/ornamental grasses/perennials/etc. Owners can decide what type of bed coverage they want to install.

Natural turf shall be limited to no more than 45% of the area to be landscaped.

Artificial turf is allowed in the rear yard.

## **IRRIGATION**

All landscaping shall include automatic irrigation.

## **XERIC OPTION**

### **FRONT YARD**

The xeric option may require review by the Town, planning department.

**Turf Requirement:** No turf is required.

**Rock and Inorganic Mulches:** Limited to not more than 50% of the area to be landscaped. 50% of all rock and other mulch areas shall be covered with living plant material.

**Brick Pavers, Asphalt Pavers, and Natural Stone:** Limited to not more than 40% of the landscaped area.

**Features:** One of the following features shall be incorporated:

- Wall – 1 to 2.5 feet high decorative natural stone, stucco or approved CMU.
- Berms – low earth berm 2.5 feet tall max, slopes not to exceed one foot rise for each 4 feet of run.
- Natural Boulders – 2 – two feet by three feet minimum.
- Lots in the eastern portion of the Community are required to have one tree in the Street/Tree lawn area.

## SIDE YARD

**Internal Side Yards:** May be covered in rock, no plant material is required but mulches are needed for stability.

**External Side Yards:** On corner Lots exposed to public view, they shall be landscaped by combining visible side and front yard areas and applying front yard standards. Lots in the eastern portion of the Community are required to have two trees in the Street/Tree lawn area.

## REAR YARD

Turf or xeric landscaping is not required except when the rear yard at a corner Lot is exposed to public view, then it shall be landscaped with turf or xeric landscaping.

In rear yards there shall be 50% bed coverage in any rock/mulch areas that exist from the back corners of the home out to the back yard fence and/or property line. Bed coverage can be a mix of trees/shrubs/ornamental grasses/perennials/etc. Owners can decide what type of bed coverage they want to install.

Natural turf shall be limited to no more than 45% of the area to be landscaped. Artificial turf is allowed in the rear yard.

## IRRIGATION

All landscaping shall include automatic irrigation.

\_\_\_\_\_ - 50% Bed Coverage Calculations

“X” = total square footage of rock and wood mulch area (Example 2,200 sf.) “X” times 50% = “Y” ( 2,200 times 50% = 1,100)

“Y” minus 100 sf. for each evergreen tree located in the shrub bed area = “Z” (2 evergreen trees, 1,100 minus 200 = 900)

“Z” divided by 16 sf = the total number of shrubs needed to meet the 50% bed coverage requirement. (900 divided by 16 = 56 shrubs required)

Shrubs = 5 gal containers minimum

Three 1 gal ornamental or perennial containers = 1 shrub