

AMENDED AND RESTATED
RESIDENTIAL IMPROVEMENT GUIDELINES
AND SITE RESTRICTIONS FOR
THE BRIGHTON CROSSINGS COMMUNITY

AS OF NOVEMBER 15, 2023

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1 INTRODUCTION

1.1 Basis for Guidelines

These Amended and Restated Residential Improvement Guidelines and Site Restrictions (the “Guidelines”) are intended to assist Owners in the Brighton Crossings community (the “Community”) in implementing landscaping and other Improvements to their property. The Amended and Restated Master Declaration for Brighton Crossing (the “Declaration”) requires prior approval from the Architectural Review Committee (the “ARC”), before any Improvement is made to upon any lot. Note that, per the Declaration, “Improvement” is defined as all improvements, structures, buildings, and any and all landscaping features, buildings, outbuildings, geothermal systems, solar systems, hot tubs, satellite dishes, patios, patio covers, awnings, solar collectors, painting or other finish materials on any visible structure, walkways, sprinkler systems, garages, roads, driveways, parking areas, fences, gates, basketball backboards and hoops, swing sets or other play structures, screening walls, retaining walls, stairs, decks, fixtures, outdoor sculptures or artwork, landscaping, hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, exterior light fixtures, poles, signs, exterior tanks, and exterior air conditioning, cooling, heating and water softening equipment. Improvements include, without limitation, all initial Improvements constructed on any Lot by the Declarant or a Builder and all subsequent changes, modifications, alterations or adjustments to any previously approved Improvement, including any change of exterior appearance, color, or texture, other than any changes, modifications, alterations or adjustments to the interior of a structure on a Lot, In order to assist Owners, the Declarant 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 Declarant with respect to property subject to the Declaration.

The Community is partially comprised of Lots improved with detached single-family homes, most with side yard areas, some with alley loaded garages in the rear and little or no rear yard areas, and some with front-loaded garages and larger rear yard areas (“Single Family Detached Lots”). There are also Lots within the Community developed with attached homes, which may be serviced by alley-loaded garages or front-loaded garages, but which do not have side yard areas (“Attached Lots”). Because of the differing size, yard area and character between the Single Family Detached Lots and the Attached 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 both Single Family Detached Lots and Attached Lots, and any references to a Lot or Lots shall include both Single Family Detached Lots and Attached Lots.

It should also be noted that some Lots are or may be encumbered by a side yard easement in favor of the adjacent Lot. When seeking approval for any Improvement, Owners are responsible for ensuring that the proposed Improvement will not result in a violation of any such side yard easement, and the ARC shall not be liable for any violation of the same.

These Guidelines shall supersede and replace in their entirety the Residential Improvement Guidelines and Site Restrictions for the Brighton Crossings Community, dated June 22, 2018, as previously amended.

1.2 Definitions

All capitalized words and phrases used in these Guidelines shall have the meaning provided in the Declaration 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); (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 Design Review Committee or Representative

The ARC consists of persons, representatives or a committee appointed to review requests for approval of architectural or site changes.

Per the Declaration, the Declarant is entitled to appoint the ARC until such time as the Declarant no longer owns any of the Property subject to the Declaration. After such time, the authority to appoint the ARC goes to the board of directors of each applicable District, which authority has been assigned to the governing board of the Brighton Crossings Operations Board (the “Operations Board” also referenced as the “Authority”) pursuant to that certain Brighton Crossings Authority Establishment Agreement by and among Brighton Crossing Metropolitan District Nos. 4-8, dated April 15, 2019, as amended (the “Operations Board Agreement”).

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 AND ADDRESS	PHONE	CONTACT	E-MAIL ADDRESS
Pinnacle Consulting Group, Inc. 550. W. Eisenhower Blvd. Loveland, CO 80537	970-617-2462	District Manager	info@brightoncrossingsmd.live

1.6 Effect of the Declaration

The Declaration governs the property within the Community. Each Owner 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.

1.7 Effect of Governmental and Other Regulations

Use of property within the Community and any Improvements must comply with any applicable

building codes and other governmental requirements and regulations. Owners are encouraged to contact the City of Brighton for further information and requirements for any Improvement they wish to undertake.

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. IT IS THE OWNER'S RESPONSIBILITY TO REVIEW ANY APPLICABLE GOVERNMENTAL REQUIREMENTS OR REGULATIONS TO ENSURE COMPLIANCE THEREWITH AND TO OBTAIN ANY NECESSARY PERMITS OR APPROVALS.

1.8 Interference with Utilities and Easements

In undertaking any Improvement, 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/or easement holder, and Owners will be responsible for any damage to any utility lines. In the event any utility company must perform work on any of their facilities located within a utility easement located on a lot, neither the ARC, any District, nor the Authority shall be liable for any damage caused by such utility company's work to any Improvements installed by an Owner within such utility easement on the Owner's lot. All underground utility lines and easements can be located by contacting:

**Utility Notification Center of Colorado
Dial 811 Before you dig!**

The Owner shall be advised that if the ARC approved improvement is within easement and easement holder needs access to the easement, they can tear out/remove the improvement/concrete at the Owner's expense and are not responsible for replacement. Further, the Owner is responsible for verifying the improvement/concrete in the easements is not prohibited by the easement document or by the municipality.

1.9 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 the responsibility of the ARC to ensure that any proposed Improvement meets or exceeds 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 ensure 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 the Declaration and Design Guidelines

The ARC and the Operations Board, as set forth in Declaration and the Operations Board Agreement, shall have responsibility for the enforcement of the architectural requirements of the Declaration and these Guidelines, as more fully provided in the Declaration. The Operations Board, its agents, and/or the ARC will investigate written complaints concerning violations of the requirements/prohibitions of the Declaration or these Guidelines. If a violation is found as a result of a complaint or through its own inspections, the Operations Board shall notify the Owner whose property is in violation, in writing, requesting that appropriate action be taken to achieve compliance. If compliance is not achieved, the Operations Board may take enforcement action (including assessing fines, fees, and penalties) in accordance with the Declaration and the Operations Board's compliance and fee policy then in effect. Specific duties and powers of the ARC and the Operations Board are more fully set forth in the Declaration.

2 PROCEDURES FOR ARCHITECTURAL AND LANDSCAPE 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, the prior written approval of the ARC is required before an Improvement to property is commenced.

In making any Improvement, Owners are responsible for being aware of the effect of any Improvement on any applicable builder warranties. Neither the ARC, nor any members thereof, any District, nor the Operations Board shall be liable for any voiding of or effect on such builder warranties with respect to any architectural request.

2.2 Drawings or Plans

Owners are required to submit to the ARC a Design Review Request Form (a copy of the current form of which is attached to these Guidelines as Schedule 2), and complete plans and specifications (said plans and specifications to show exterior design, height, materials, color, location of the structure or addition to the structure, plotted horizontally and vertically, location and size of driveway, general plan of landscaping, fencing, walls, windbreaks and grading plan, as well as such other materials and information as may be required, collectively the "Plans and Specifications"), which Plans and Specifications must be approved by the ARC 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 plans and specifications:

- A.** The drawing or plan should be done to scale and shall depict the property lines of the lot and the showing the home as located on the lot. A copy of the plot plan of the lot obtained when it was purchased would be an excellent base from which to start. All applications including Accessory Buildings or Detached Accessory Structures require the plot plan be included in the application.
- B.** Existing improvements, in addition to the home, should be shown on the drawing or plan and identified or labeled as existing. Such existing improvements include driveways, walks, decks, trees, shrubs, fences, etc. The proposed Improvement should be shown on the plan and labeled as proposed. 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 and size, including height. 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 include the name of the Owner, the address

of the home, and the e-mail address and telephone number where the Owner can be reached.

- D. The proposed Improvement must take into consideration the easements, building location restrictions and sight distance limitations at intersections. This information may be obtained from the City of Brighton (the “City”).
- E. Owners should be aware that many types of Improvements require a permit from the City.
- 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 (unless otherwise specified, minimum acceptable size 8.5" x 11") must be submitted to the ARC, in care of the entity listed in Section 1.5) along with a completed Design Review Request Form, which may be done electronically. Color photographs, brochures, paint swatches, etc. will help expedite the approval process. Specific dimensions and locations are required.

A review fee may be established for the review of Design Review Request Forms and Plans and Specifications. The Operations Board, as the entity designated to enforce the Declaration and administer the design review requirements set forth therein, may establish a review fee for the review of Design Review Request Forms and Plans and Specifications, including a fee related specifically to the initial installation of rear yard landscaping (the “Rear Yard Landscaping Design Review Fee”). Any such review fees shall be in such amounts as determined by the Operations Board and as may be set forth on the Design Review Request Form from time to time. Please contact the entity specified in Section 1.5 to obtain the most current version of the Design Review Request Form.

If a review fee is imposed, the same shall be submitted with the Design Review Request Form. If a Rear Yard Landscaping Design Review Fee is imposed, the same shall be due at the time of acquisition of the Lot by the Owner from the Declarant or a Participating Builder.

The ARC may engage consultants as it deems appropriate to advise and assist it in carrying out its duties, including but not limited for the review of requests or the inspection of Improvements during or after construction to ensure compliance with any approval granted by the ARC. Any costs incurred by the ARC for the same shall be borne by the Owner. Any such costs incurred for assistance in the review of any request shall be payable prior to final approval.

2.4 Action by ARC

Upon submission of a Design Review Request Form to the entity listed in Section 1.5, the person designated therein shall review the submission and determine if complete Plans and Specification have been submitted. Upon such a determination, that person shall then forward the Design Review Request Form and the complete Plans and Specification to the ARC. The ARC will review each request for architectural or landscape approval and approve and/or disapprove in writing each such request (which may be with conditions and/or requirements) within sixty (60) days after the ARC receives the Design Review Request Form and complete Plans and Specifications. If the ARC fails to review and approved or disapprove a request within such sixty (60) day period, such request is deemed approved 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, and the review by the ARC shall be subject to any review fees imposed pursuant to these Guidelines. The revised plans must follow the requirements as outlined above.

2.6 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. Except as otherwise provided in relation to the installation of initial landscaping on a lot, failure to complete the proposed Improvement within one year from the date of the approval or within one year from the date of the 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.

2.7 Inspection of Work

The ARC or its designated representative may monitor and conduct on-site inspections of any Improvement on a lot to the extent required to determine that the Improvement thereon complies with this Declaration, these Guidelines and any applicable approvals, conditions or construction procedures issued, imposed or prescribed by the ARC. The ARC or its designated representative may enter upon any lot at any reasonable time for the purpose of observing the progress, status or completion of any Improvement.

2.8 Notice of Non-Compliance

Any Improvement constructed, installed, modified or renovated in violation of Article 2 of the

Declaration shall be deemed to be nonconforming. Upon written notice from the Operations Board, the Owner of the Lot on which such Improvement is located shall, at such Owner's own cost and expense, remove such Improvement and restore the lot to substantially the same condition as existed prior to the nonconforming work, or, if applicable, cure such nonconformance by bringing the Improvement into compliance with the requirements of the ARC. Should an Owner fail to remove and restore or cure as required, then the Operations Board, acting through its governing board, shall have the right to enter the exterior portions of the Lot, remove the nonconforming Improvement, and restore the lot to substantially the same condition as previously existed. All costs of any such entry, removal and restoration shall be the personal obligation of the Owner of the Lot.

2.9 Correction of Non-Compliance

If the District determines that a non-compliance exists, the Person responsible for such non-compliance shall remedy or remove the same within the timeframe specified in the Notice of Non-Compliance. If such Person does not comply with the ruling within such period, the Operations 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 Operations Board, upon demand, for all costs and expenses, as well as anticipated costs and expenses, with respect thereto.

2.10 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 Declarant.

2.11 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.

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 ARC when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations may require.

3.1.2 Waivers; No Precedent

The approval or consent of the ARC to any application for approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent as to any application or other matters whatsoever, as to which approval or consent may subsequently or additionally be required. Nor shall any such approval or consent be deemed to constitute a precedent in any other matter.

3.1.3 Liability

Neither the ARC nor or the members of 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 ARC nor 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. Neither the ARC nor the members thereof will make any investigation into title, ownership, easements (including any side yard easement), 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.

3.2 Accessory Buildings and Structures

Approval is required for any accessory building on a Single Family Detached Lot. Approval will be based upon, but not limited to, the following criteria:

- A.** No more than one accessory building shall be permitted on any Single Family Detached Lot.
- B.** Application shall include the homeowner's original site plan with specific location and dimensions of an Accessory Building or Detached Accessory Structure.
- C.** Accessory buildings and Detached Accessory Structures are not permitted in the front yards, side yards that face a public street, within utility easements or within oil and gas well setbacks.
- D.** Detached accessory structures include but are not limited to pergolas, gazebos, and include any detached accessory structure requiring a footer or excavation below grade.
 - 1. Dimensions and location shall be submitted along with a photo/brochure or sketch along with materials.
- E.** Storage sheds and accessory buildings must be aesthetically compatible and consistent with the style, architecture, and character of the home and other homes in the same general area of the Community.
 - 1. Storage sheds and/or any accessory buildings shall not be more than 200 square feet on lots without garages.
 - 2. Storage sheds and/or any accessory buildings shall not be more than 120 square feet on lots with garages.
 - 3. Structure may be not taller than 15 feet high at the peak measured from the lowest point of finished grade adjacent to the structure.
 - 4. The roof pitch must be complementary to the existing roof on the home, unless otherwise approved by the ARC.
 - 5. Such storage sheds and/or accessory buildings must be permanent in nature.
- F.** Siding, roofing, and trim materials must match those on the home, unless otherwise approved by the ARC.
 - 1. Accessory buildings constructed of plastic/resin or metal are prohibited.
- G.** Accessory buildings are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscape screening, location or other techniques deemed sufficient by the ARC.
- H.** The ARC in reviewing and approving or denying an application for approval of a storage shed or accessory building, shall take into consideration:
 - 1. Lot size, square footage of the home, the existing grading, fence locations, landscape screenings, garages, etc.

- I. Any utilities serving a storage shed or accessory building shall be underground.
- J. A playhouse or play structure shall not be considered an accessory building.

3.2.1 Accessory Building- Attached Lots

Due to the size of the Attached Lots, accessory buildings are not permitted on the Attached Lots.

3.3 Additions and Expansions

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

- A. Additions or expansions must be constructed of wood, Masonite, glass, brick, stone, or other material as used in initial construction of the exterior of the home.
- B. The design must be the same or generally recognized as a complimentary architectural style and meet all design guidelines as may be applicable.
- C. Siding, roofing, trim, materials, and colors must match that of the existing home.
- D. The ARC in reviewing and approving or denying an application for an Addition or Expansion shall take into consideration:
 - 1. Lot size, existing square footage of the home, the existing grading, existing fence locations, number of existing garages, etc.

3.3.1 Additions and Expansions- Attached Lot

Due to the size of the Attached Lots, additions or expansions of homes constructed on Attached Lots are not permitted.

3.4 Address Numbers

Approval is required to replace, alter, or relocate existing address numbers. Approval is not required if the address numbers are replaced using the same style and type of number currently on the residence.

3.5 Air Conditioning Equipment

Approval is required for all air conditioning equipment, air movement 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.

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 as to minimize visibility from the street and minimize any noise to adjacent property Owners. In some instances, additional plant material, around the equipment, may be required for screening. Non-vegetative screening materials should match or complement the house.

3.6 Antennae/Satellite Dishes

Installation of Permitted Antennas shall not require the approval of the ARC.

"Permitted Antennas" are defined as:

1. 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.
2. 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.
3. An antenna which is designed to receive broadcast television broadcast signals;
or
4. Other antennas which are expressly permitted under applicable federal statutes or regulations.
5. All other antennas, not addressed above, are prohibited.

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.

3.6.1 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 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.
- F. Permitted Antennas shall be screened from view from any street and nearby Lots to the maximum extent possible
- G. 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.
- H. 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.
- I. Permitted Antennas shall not encroach upon common areas or any other Owner's property.

3.7 Artificial Turf

Approval is required. Notwithstanding anything herein to the contrary, artificial turf may be considered in fenced side or rear yards. Screening may be required.

Total artificial turf area of any height may not exceed 70% of the rear and/or side yard. Submittal must include percentage of area to have artificial turf installed.

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.

3.7.1 Allowable Products

The color must be similar to the geographical area, preferably a blended, multi-color monofilament fiber. There are certain products that have been pre-approved by the ARC as meeting the requirements of these Guidelines. Contact the person or entity set forth in Section 1.5 of these Guidelines or reference Schedule 1, the Landscape Design Guidelines for a list of such pre-approved products.

3.7.2 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 property 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.

3.7.3 Maintenance Considerations

Artificial turf must be cleaned as necessary and periodically groomed to maintain its appearance.

The Operations Board 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.

3.8 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 Section 3.44, Overhangs/Awnings – Cloth or Canvas.

3.9 Balconies

See Section 3.18, Decks.

3.10 Barbecue/Gas Grills

Approval is not required, except for built-in outdoor grills/kitchens. All barbecue grills, smokers, etc. must be stored either in the rear yard, within a side yard, or within an enclosed structure. Barbeque grills, smokers, etc. shall not be visible from the front of the home.

3.11 Basketball Backboards

Approval is required for basketball backboards attached to the house above the garage door.

Approval is not required for portable basketball backboards, subject to the following limitations and guidelines:

- A.** Portable units cannot be placed in the public rights of way, streets, alleys, sidewalks, or street lawns.
- B.** Location must be in the driveway, at least half of the length of the driveway away from the street, or in the side or rear yard.
- C.** Portable basketball backboards may be left out when not in use only if the backboard, hoop, and net are in good repair.
- D.** 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.

3.12 Birdbaths

Approval is not required, subject to the following limitations:

- A.** Birdbaths are only permitted in the rear yard.

See Section 3.76, Statues, or Fountains.

3.13 Birdhouses and Bird Feeders

Approval is not required, subject to the following limitations:

- A.** If installed in the rear yard and the size is limited to one (1) foot by two (2) feet, no approval is required.
- B.** No more than three (3) of each of a birdhouse or bird feeder shall be installed on any Lot.
- C.** Birdhouses or bird feeders may be mounted on a pole, provided the pole shall not exceed five (5) feet in height.
- D.** Pole mounted feeders in front or side yards require approval by the ARC.

3.14 Carports

Approval will not be granted.

3.15 Clothes Lines and Hangers

Permanent or fixed clotheslines and hangers are not permitted. Temporary drying structures will be permitted subject to the following limitations:

- A. Such structures are placed and used solely in the rear yard of a Lot.
- B. Are immediately removed from sight after each use.
- C. Retractable clotheslines with permanent fixtures require approval.

3.16 Cloth or Canvas Overhangs

See Section 3.44, Overhangs/Awnings – Cloth or Canvas.

3.17 Compost

Approval is required for any compost bin and enclosure. Considerations by the ARC will include, but not be limited to, the following:

- A. All composting bins must be screened by an enclosure.
- B. The enclosure shall be constructed of similar materials to that of the home and must be located adjacent to either the rear or side of the house.
- C. The enclosure must be four-sided and completely enclosed, with one side being a side or rear wall of the home.
- D. No more than one enclosure will be permitted on any Lot.
- E. The size of a compost enclosure is limited to a size no larger than necessary to appropriately screen the compost bin.
- F. The enclosure must screen the compost bin from all sides.
- G. The enclosure must be painted to match the siding or be stained to match the existing fence depending on the materials used.

See Section 3.83 Trash Enclosures

3.18 Decks

Approval is required for any new or expanded deck on any Single Family Detached Lot constructed or expanded after the initial construction of any deck by the builder of the home on

the Single Family Detached Lot. Considerations by the ARC will include, but may not be limited to, to following:

- A. The deck must be constructed of wood or composite type decking products and approved by the ARC.
- B. The decking material must be of a color that matches or compliments one of the exterior paint colors or the masonry on the home.
- C. The deck should be located so as not to create an unreasonable level of noise for adjacent property Owners.
- D. All deck columns shall be integrated into the architectural style/character of the home.
- E. 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.
- F. Covered decks shall be compatible with the architectural style of the home through roof form integration, column design, and railing details.
- G. 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 (8) 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.
- H. 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 (1/2) inch thick boards and stained or painted to match the remaining portions of the deck.
- I. Construction shall not occur over easements, within utility easement or within oil and gas well setbacks, or beyond the side plane of the home.
- J. Must be set back a minimum of ten (10) feet from the rear property line.
- K. Construction of decks over a sloped area is discouraged.

3.18.1 Deck Maintenance

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. Regular physical and aesthetic maintenance of decking is required.

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.

Re-staining and re-painting of decks do not require approval as long as stain or paint color are the same as originally approved.

Approval is not required for re-staining or re-painting of decks as part of routine maintenance as long as same color/tint is used that exist on the building.

3.18.2 Decks- Attached Lots

Due to the size of the Attached Lots, new or expanded decks not constructed as part of the original construction of the home are not permitted on Attached Lots.

3.19 Dog Houses

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

- A. In some instances, additional plant material may be required around the doghouse for screening.
- B. Dog houses must be located in the rear yard or within a side yard behind the wing fence.

3.20 Dog Runs

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

- A. Must be located in the rear yard or within a side yard behind the wing fence, abutting the home.
- B. Must substantially screened from view by planting fast-growing or mature trees or shrubs.
- C. Dog runs shall not be closer than three (3) feet to any side yard Lot line.
- D. Dog runs will be limited to two hundred (200) square feet, unless the ARC grants a variance.
- E. Dog run fences shall be wood and shall be left natural in color and sealed to prevent weathering.
- F. Please refer to the fence details in Schedule 1 for approved heights, stains, and designs.
- G. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

3.21 Doors

Approval is not required for an already existing main entrance door to a home or an accessory building if the same building materials and colors are used. Any modification to door material, character or color requires approval from the ARC. Garage Doors may not be removed and replaced with siding, windows, or otherwise.

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

3.22 Drainage

There shall 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, it is very important to ensure 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 ARC 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 or Operations Board lands, sidewalks, and streets, will not be tolerated.

3.23 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.

Considerations by the ARC for driveway will include, but not be limited to, the following criteria:

- A. Only clear sealant may be used. Color sealant is not allowed.
- B. Owners required to maintain driveways against oils, spills, spalling/peeling/etc.
- C. Concrete flat work used in driveway shall require a five (5) foot setback from both rear and side yard property lines.
- D. Driveway expansions shall conform to City of Brighton's Article 5- Neighborhood Design Standards

- E. For driveway within easement area, the Owner shall be advised that if the easement holder needs access to the easement, they can tear out the concrete at the Owner's expense and are not responsible for replacement, and that the Owner is responsible for verifying that concrete in the easements is not prohibited by the easement document or by the municipality.

3.24 Evaporative Coolers

Approval is required. No rooftop or window mount installations are allowed.

See Section 3.5, Air Conditioning Equipment.

3.25 Exterior Lighting

See Section 3.41, Lights, and Lighting.

3.26 Fences

3.26.1 General Statement

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

- A. If any such fences constructed by the Developer or Builder which are located upon an Owner's property are damaged or destroyed, the Owner shall repair or recondition the same at the Owner's expense.
- B. Some fences may be located upon property owned by a District or the Operations Board and, if so, the approval of the District or the Operations Board, as applicable, shall also be obtained before any such fence is removed, replaced, painted, or altered.

3.26.2 Fence Designs

All front, rear or side yard fences along property lines or within the boundaries of any Lot require approval of the ARC.

- A. Fences (not previously installed by a Builder or Developer) are required to be constructed in accordance with the specifications shown in Schedule 1. Except for fences installed by the Builder of the home as part of the original construction, no fencing shall be permitted on any alley-loaded or front-loaded Attached Lot.
- B. Double fencing of property lines is not permitted.
- C. Any fence facing dedicated open space, parks, and or trails shall be the 3-Rail Fence

per Schedule 1. Any other fences shall be the Privacy Fence as found in Schedule 1.

3.26.3 Maintenance/Staining

All fences constructed on a Lot shall be maintained, repaired, and replaced by the Owner of such Lot. Regular physical and aesthetic maintenance of fencing is required. Fences shall not be painted. All fences must be sealed with an approved preservative treatment. Please refer to Schedule 1 for approved products.

3.26.4 Additional Fence Requirements

- A. 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.
- B. Corner lot fencing shall meet set back requirements.
- C. 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.
- D. When making a submittal for fencing, include the style and height of the fence, type of stain/sealant, 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.

3.26.5 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 and Schedule 1 when the fence is replaced, or whenever any repair is required or made to more than twenty-five (25) percent of the existing fencing material.

Notwithstanding the foregoing, certain lots in the community have been improved with white vinyl fencing. If an Owner with such fencing is replacing or repairing the same pursuant to the preceding sentence, the ARC may, in its discretion, approve replacement with like-kind white vinyl fencing, taking into consideration the type of fencing installed on neighboring lots.

3.26.6 Pet Fencing

Pet fencing may include any invisible fence on or within the perimeter boundary of an Owner's site per the above fencing standards.

See Section 3.19, Dog Houses and Section 3.20, Dog Runs.

3.27 Fire Pits and Fireplaces

Approval is required for all permanent or built-in structures, whether gas or wood/log fueled. Approval is not required for portable units. Considerations by the ARC will include, but not be limited to, the following:

- A. Fire pits/fireplaces are only permitted in the rear yard or within a side yard located on the Owner's lot.
- B. Fire pits/Fireplaces are not permitted within a side yard setback or utility easement.
- C. The size of an any outdoor fire pit shall be no larger than three (3) feet in diameter, and the height of any flames within that pit shall be no higher than two (2) feet.
- D. The ground within five (5) feet of the base of the fire shall be cleared of all combustible materials, such as grass or weeds.

3.27.1 Fire Pit- Gas Fueled

- A. Fire's location shall be no closer than fifteen (15) feet to adjacent combustible objects, including structures and fences.
- B. Fire's location shall not be within fifteen (15) feet of property line.

3.27.2. Fire Pit- Wood/Log Fueled

- A. Log burning fire pits shall be no closer than twenty-five (25) feet to any combustible objects including structures and fences.
- B. Fire's location shall not be within twenty-five (25) feet of property line.

3.28 Firewood Storage

Approval is not required for storage of one (1) cord or less of wood. All firewood must be in the side or rear yard, must be neatly stacked, shall not be visible from any street or the ground level of any other Lot, and must not be located to block established drainage patterns. All other wood must be stored in an approved enclosure, or "screened" from view.

3.29 Flags/Flagpoles

No ARC approval is required for flagpoles attached to a home. Freestanding flagpoles are prohibited. Any flagpoles attached to a home shall not extend higher than the roof of the home.

3.30 Garbage Containers and Storage Areas

See Section 3.83, Trash Enclosures.

3.31 Gardens – Flower or Vegetable

“Vegetable Garden” means a plot of ground or elevated soil bed in which pollinator plants, flowers or vegetable or herbs, fruits, leafy greens, or other edible plants are cultivated.

3.31.1 Gardens- Flowers or Vegetable, Rear/Side yards

ARC approval is not required for one vegetable garden of no more than 100 square feet located in the rear or side yard. Any additional or larger vegetable garden must be approved by the ARC. All vegetable gardens must be weeded, cared and carefully maintained. Flowers should not exceed three (3) feet in height, and vegetables should not exceed six (6) feet in height unless approved by the ARC.

3.31.2 Gardens- Flowers or Vegetable, Front Yards

Vegetable gardens are allowed in the front yard as follows:

- A. Cannot exceed 4’ width x 8’ length or 32 square feet.
- B. Must be located 2’ off public sidewalk and 12” off property line.
- C. Cannot be located in the “Tree Lawn” area between sidewalk and street.
- D. Must be raised not to exceed 24” and constructed out of timbers, rough cut cedar, redwood, decorative concrete blocks, cinder block with stone or stucco. Colors/stains of which must compliment house colors.
- E. Must be maintained in a clean and orderly manner and cleaned out for the winter with a layer of mulch to keep the weeds out.
- F. Cannot be enclosed or fenced.
- G. Total height of plants and raised bed cannot exceed 5’.

Drip line irrigation system is encouraged.

3.32 Gazebos

Approval is required for any gazebo on a Single Family Detached Lot. Approval will be based upon, but not limited to, the following criteria:

- A. The maximum interior height is 8’6”.
- B. Must be located so as not to create unreasonable level of noise for adjacent property Owners.
- C. In some instances, additional plant material around the gazebo may be required for

screening or integration into the landscape design.

- D. Materials must be similar and complementary to the design to the residence.
- E. All applications for gazebos will be reviewed by the ARC on a case-by-case basis.
- F. Gazebos are not permitted within utility easements or within oil and gas well setbacks.
- G. Please submit photos of the rear of your home when applying for a gazebo.

3.32.1 Gazebos-Attached Lot

Due to the size of the Attached Lots, gazebos are not permitted on the Attached Lots.

3.33 Grading and Grade Changes

See Section 3.22, Drainage.

3.34 Greenhouses

Approval is required. Approval will be based upon but not limited to general aesthetics, quality and permanence of materials used. Greenhouses may only be in the rear yard or a side yard.

3.35 Hanging of Clothes

See Section 3.15, Clothes Lines and Hangers.

3.36 Hot Tubs and Jacuzzis

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

- A. Hot tubs and Jacuzzis must be an integral part of the patio, rear yard or side yard area, and 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.
- B. 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.
- C. Prefabricated hot tub enclosures will be evaluated on a case-by-case basis and may require additional plant material screening.

See Section 3.57 Pools.

3.37 Irrigation Systems

Approval is not required for underground automatic irrigation systems. Such systems may require

approval through the City or the County.

An underground automatic irrigation system installed with the landscape is required for all Lots and is encouraged for all garden and vegetable gardens.

All irrigation systems should be designed by a landscape architect, designer, or irrigation specialist to ensure water management, water conservation, 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 about the no-irrigation zone at the edge of the home's building foundation.

Irrigation systems are encouraged to be designed with water-wise practices using drip irrigation and other low volume delivery systems.

Notwithstanding anything to the contrary contained in these Guidelines, any irrigation system on any Lot that is maintained by the Operations Board shall not be altered in any manner by the Owner of the Lot.

3.38 Kennels

Approval will not be granted. Breeding or maintaining animals for a commercial purpose is prohibited.

See Section 3.19, Dog Houses; and 3.20, Dog Runs

3.39 Landscaping

Approval is required. 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. 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. 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.

Landscaping must consist of trees, shrubs, ornamental grasses, ground covers, annual and perennial flowers, turf grasses, mulches, and automatic irrigation. Refer to the final relevant Development Plan and Schedule 1 for additional guiding principles.

3.39.1 Landscape Installation Schedule

- A.** Application for front and/or rear yard landscaping shall be submitted to the ARC no more than nine (9) months after closing on the sale of the Lot from the Declarant or Builder to the first Owner (regardless of the following installation deadlines):
1. If the closing occurs during the months of January-February landscaping is required to be installed within the initial nine (9) months and within the same calendar year or no later than November 30.
 2. Closings occurring March-September are required to install landscaping no later than June 30 of the following calendar year.
 3. Closings occurring in October-December are required to install landscaping within the initial nine (9) months or no later than September 30 of the following calendar year.
 4. Extensions may be granted by the ARC upon receipt of a request by an Owner (specifications will need to be provided as to why an extension is being requested).

3.39.2 Landscape Maintenance

- A.** In some areas of the Community, the Operations Board maintains the landscaping on the Lot and/or the area between the sidewalk and the curb of the street (the "Street/Tree Lawn Area"). In such cases, Owners are not permitted to make any alterations to the landscaping maintained by the Operations Board.
- B.** Each Owner of each Lot 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, vegetable and flower gardens, any approved and installed artificial turf area, as well as the Street/Tree Lawn Area, unless the maintenance of the Lot and/or Street/Tree Lawn Area is performed by the Operations Board.

3.40 Latticework, Trellis, or Arbors

Approval is required for any type of installation of latticework, trellis, or arbor. Considerations by the ARC will include, but not be limited to, the following:

- A.** Latticework, trellises, and arbors may be located only in the rear yard or within a side yard.
- B.** Adequate framing is required.
- C.** The height of a proposed latticework, arbor or trellis shall be no more than six (6) feet and twenty-four (24) inches.

- D. Material of latticework, trellises, or arbors must be complementary to the residence.
- E. Professionally prepared plans for the same are highly encouraged to expedite the approval process; otherwise, a photograph or catalog picture must be provided.
- F. Lattice work or trellis are not permitted to be used as double fencing and must be spaced at least six (6) feet apart.
- G. Will require setback a minimum of five (5) feet from the side yard and rear yard property lines.
- H. Latticework must be used for plantings.

3.41 Lights and Lighting

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

3.41.1 Lights and Lighting, Single Family Detached Lots

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, LED, etc.).

Considerations by the ARC will include, but may not be limited to, to following:

- A. 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 property boundaries and the light source does not cause glare to other properties (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. Up-lighting of trees, landscaping, buildings, or any structures is permitted as long as it is in compliance with any applicable building codes and other governmental requirements and regulations.

- E. The addition of a front yard light post will be allowed with approval and pursuant to the following:
1. Exterior lights must be conservative in design and be as small in size as is reasonably practical.
 2. Exterior lighting should be directed toward the ground and be of low voltage to minimize glare onto neighboring properties and the street.
 3. Soft, outdoor pedestrian-oriented lighting should be used with dark colored lighting fixtures to be less obtrusive.
 4. The light post should match or complement the architecture of the home in design, size, color, and finish along with any existing light fixtures.
 5. 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.
 6. Light or lamp posts shall not be erected higher than 6' feet from ground level, unless approved by the ARC.
 7. All lighting should not be intrusive to neighboring properties and must meet all City or County requirements.

3.41.2 Lights and Lighting, Attached Lots

Other than replacement of existing lighting with the same or similar lighting and style as originally installed, no changes to the exterior lighting on any Attached Lot is permitted.

3.41.3 Seasonal Lighting

For all Lots, seasonal lighting and decorations do not require approval. It is required that they not be installed more than forty-five (45) days prior to the holiday or seasonal event. They shall be removed within forty-five (45) days following the holiday or seasonal event.

3.42 Mailboxes

For those homes with existing freestanding mailboxes and for which mail is not delivered to a central mailbox kiosk, Owners are responsible for the construction and maintenance of the approved mailbox standard, attached hereto as Schedule 1. Such mailboxes are to be ganged between lots in sets of two in the horizontal and vertical specifications required by the U.S. Postal Service. Such mailboxes shall be U.S. Postal type flat black finish only. Theme mailboxes are not permitted. ARC approval is required prior to the installation, modification or replacement of any such mailboxes.

3.43 Ornaments/Art – Landscape/Yard

Approval is required.

See Section 3.76, Statues or Fountains.

3.44 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 Section 3.46, Patio Covers.

3.45 Painting

Approval is required for all house painting activities. A color scheme book has been created and Owners must select one of the color schemes and provide all other required information.

3.45.1 Painting Guidelines Applicable to All Lots:

- A. The ARC Submittal must also include photos showing the colors of the two homes on each side of the home (four total).
- B. The ARC will not approve submittals without a description or photos of neighbors' paint colors.
- C. Outlining the garage door panels in a contrasting color or in a checkerboard design is not permitted.
- D. Most homes have multiple tone paint schemes (e.g., body color, trim color and accent color for shutters and doors). New colors scheme submitted should preserve this multiple tone scheme and shall be in harmony with the character of the community and the particular filing or neighborhood in which the home is located.
- 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.

3.45.2 Painting Guidelines Applicable to All Attached Lots:

- A. Because the individual homes on the Attached Lots are attached via party walls (each building containing such attached homes shall be referred to herein as an "Attached Building"), and the colors used on each individual home within an Attached Building were designed to coordinate and complement one another, careful consideration must be given to maintaining the overall appearance of any particular Attached Building in the event any or all of the individual homes in an

Attached Building is to be painted.

- B. All Owners of the individual homes within an Attached Building are encouraged to coordinate the repainting of the exterior of the homes within that Attached Building at the same time, even if painting in the same colors as originally used, to maintain uniformity of colors, finish, condition, etc.
- C. In the event any one, but not all, of the Owners of individual homes in an Attached Building submits a painting request to the ARC, the request must be for the same colors as existing on that home, or if the homes within that Attached Building are or have been painted in different colors, the color must be complementary to the colors existing on the other homes within that Attached Building.

3.46 Patio Covers

Approval is required for Single Family Detached Lots. Considerations by the ARC will include, but not be limited to, the following criteria:

- A. 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.
- B. Freestanding patio covers may be permitted as well as extensions of the roof.

3.46.1 Patio Covers- Attached Lots

Patio covers are not permitted on Attached Lots.

3.47 Patios - Enclosed

See Section 3.3, Additions and Expansions.

3.48 Patios – Open

Approval is required for any new or expanded patio constructed or expanded after the initial construction of any patio by the builder of the home.

3.48.1 Patios- Open, Single Family Detached Lots

Approval for any new or expanded patio on any Single Family Detached Lot constructed or expanded after the initial construction of any patio by the builder of the home on the Single Family Detached Lot is required, subject to the following:

- A. 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.
- B. In some instances, additional plant material around the patio may be required for screening or integration into the landscape design.

- C. The patio and materials must be similar or generally accepted as a complementary color and design to the residence.
- D. Open patio space shall require five (5) foot setback from both rear and side yard property lines.
- E. Open patios are not permitted within the side yard setback.
- F. Open patios located with utility easement shall be above ground.
- G. Open patio shall not interfere with the established drainage pattern over any property.

See Section 3.18, Decks, 3.32 Gazebos

3.48.2 Patios- Open, Attached Lots

Due to the size of the Attached Lots, new or expanded patios not constructed as part of the original construction of the home are not permitted on Attached Lots.

3.49 Paving

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

Considerations by the ARC for paving will include, but not be limited to, the following criteria:

- A. Concrete flatwork used in paving shall require five (5) foot set back requirement for both rear and side yard property lines.
- B. For paving within any easement area, the Owner shall be advised that if the easement holder needs access to the easement, they may tear out concrete/remove paving at the Owner's expense and may not be responsible for replacement, and that the Owner is responsible for verifying that concrete/paving in the easements is allowed by the easement document or by the municipality.

See Section 3.23, Driveways.

3.50 Pergola

Approval is required for any type of installation of a pergola. Considerations by the ARC will include, but not be limited to, the following:

- A. Pergolas may be located only in the rear yard or within a side yard.

- B.** Pergolas are not permitted within the side yard setback or within utility easement.
- C.** Adequate framing is required.
- D.** The inside height of a proposed pergola must not exceed nine (9) feet, six (6) inches from the lowest point of finished grade to the highest portion of pergola.
- E.** Considerations will include, but may not be limited to, height, color, and material.
- F.** Materials must be similar and complementary to the design to the residence.
- G.** In some instances, additional plant material around the pergola may be required for screening or integration into the landscape design.
- H.** Professionally prepared plans for the same are highly encouraged to expedite the approval process; otherwise, a photograph or catalog picture must be provided.
- I.** Plot/site plan shall be submitted with application.

See Sections 3.2 Accessory Buildings and Structures; 3.32, Gazebos; and 3.48, Patios-Open

3.51 Pipes

Approval is required for all exterior pipes, conduits, and equipment. Any such pipes, conduits and equipment must be painted to match the color of the portion of the house lying behind the pipe, conduit, or equipment. Adequate screening may also be required.

See Section 3.86, Utility Equipment.

3.52 Play Areas/Sand Boxes

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

- A.** Sand boxes/play area shall only be permitted in the rear yard or within a side yard.
- B.** Sand boxes/play areas shall be no closer than five (5) feet from the house foundation and five (5) feet from any side or rear property line.
- C.** Sand boxes/play areas must be constructed of weather resistant materials with structure material and boarder material specified in application.
- D.** Sand shall not contain tremolite nor crystalline silica, nor be very fine sand.
- E.** Sand boxes shall be covered with a lid when not in use.
- F.** The use of tarps is not permitted. Fitted cloth canopy covered shall be single color.

- G. Sand boxes/play areas shall be maintained and in good and slightly manner and sand must be replaced at least every year.
- H. The use of wood mulch in play areas is encouraged. Wood mulch must meet design requirements as noted in Schedule 1. The use of rubber mulch is not permitted.
- I. In some instances, additional plant material around the equipment may be required for screening.
- J. A photo or brochure of the sandbox kit is encouraged to be included with the application.

3.53 Play Structures and Sports Equipment

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

- A. Play structures and sports equipment shall only be permitted in the rear yard or within a side yard.
- B. Consideration will be given to adjacent properties (a minimum five (5) foot setback from the property line, is required for trampolines, swing sets, fort structures, etc.) so as not to create an undue disturbance.
- C. In some instances, additional plant material around the equipment may be required for screening.
- D. Wood structures must be constructed of weather resistant materials.
- E. The use of wood mulch under structures is encouraged. Wood mulch must meet design requirements as noted in Schedule 1. The use of rubber mulch is not permitted.
- F. All play equipment must be maintained in a good and sightly manner.
- G. The use of multi-colored cloth/canvas tarps will not be approved.
- H. Height of any play structure (such as a swing set) or sports equipment may not exceed twelve (12) feet.

3.54 Playhouses

Approval is required for both design and location. Playhouses shall only be permitted in the year yard or within a side yard.

Considerations by the ARC will include, but not be limited to, the following criteria:

- A. No playhouses shall exceed twelve (12) feet in height at the roof pitch.

- B. The height of any playhouse placed on an Attached Lot shall not exceed the height of the fence enclosing the rear yard.

See Section 3.2, Accessory Buildings.

3.55 Poles

See Section 3.29, Flags/Flagpoles; and Section 3.86, Utility Equipment.

3.56 Ponds and Water Features

Approval is required.

3.54.1 Ponds and Water Features-Single Family Detached Lot

For Single Family Detached Lots, 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. Ponds and/or water features that require digging shall not be installed within a side yard setback or utility easement.
- D. Must not affect existing drainage on the lot or off the property.
- E. Must be maintained at all times.
- F. 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.
- G. Must be a minimum of 5' from the building foundation.

3.54.2 Ponds and Water Features- Attached Lot

Due to the size of the Attached Lots, ponds and water features are not permitted.

3.57 Pools

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

- A. Pools must be placed in the rear yard and be an integral part of the deck or patio area and be installed in such a way that it is not immediately visible to adjacent property Owners and does not create an unreasonable level of noise for adjacent property Owners.

- B. In some instances, additional plant material around the pool may be required for screening. Non-vegetative screening material should match or complement the house or deck structure.
- C. Must be maintained at all times.
- D. Above ground pools are prohibited.
- E. Notwithstanding the above, one (1) wading pool, if less than eighteen (18) inches high and eight (8) feet in diameter, per Lot, is permitted on a temporary basis without prior approval and may not remain in a front yard when not in use.

See Section 3.36, Hot Tubs and Jacuzzis.

3.58 Privacy Walls

Approval is required. Privacy wall is a type of screening for outdoor living areas including but not limited to areas such as hot tubs, patios, decks, and pools. Considerations by the ARC will include, but not limited to the following:

- A. Privacy walls are restricted to side and back yards.
- B. Privacy walls shall be attached to house and/or connecting patios.
- C. Size, height, length, and material of privacy walls or panels will be reviewed on a case-by-case basis based on reasons for installation, site conditions, placement and height and the number of privacy wall or panels to be installed.
- D. Privacy walls cannot be used as double fencing.

3.59 Radio Antennae

See Section 3.6, Antennae/Satellite Dishes.

3.60 Radon Mitigation Systems

Approval is 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 minimize its visibility.

3.61 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 of roofing material as originally used by the builder.

Approval is not required for repairs to an existing roof with the same building material and color

that exist on the building.

3.58.1 Roofing Materials- Attached Lot

- A. In the event the shingles on anyone, but not all, of the individual homes in an Attached Building are to be replaced, the replacement shingles must be of the same color as exists on the other homes in that Attached Building in order to maintain a consistent and uniform appearance of the roof.
- B. If the shingles on all the homes in an Attached Building are to be replaced at one time, all Owners of those homes must agree on the color of the shingles to be used for all of the homes within that Attached Building, subject to approval by the ARC.

3.62 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.

See Section 3.73, Solar Energy Devices.

3.63 Satellite Dishes

See Section 3.6, Antennae/Satellite Dishes.

3.64 Saunas

See Section 3.2, Accessory Buildings.

3.65 Screen Doors

See Section 3.21, Doors.

3.66 Seasonal Decorations

Approval is not required if installed on a lot within forty-five (45) days of a holiday or seasonal event, provided that an Owner is keeping with the Community standards, and provided that the decorations are removed within forty-five (45) days of the holiday or seasonal event.

See Section 3.41.3, Lights and Lighting- Seasonal Lighting

3.67 Sewage Disposal Systems/Septic Systems (Individual)

Approval will not be granted. Individual sewage disposal systems/septic systems are not permitted.

3.68 Sheds

See Section 3.2, Accessory Buildings.

3.69 Shutters - Exterior

Approval is not required for repairs or replacement to existing shutters with the same material and architectural style that exist on the home.

Approval is required for installation or additional shutters other than shutters installed as part of the original construction.

Considerations by the ARC will include, but not be limited to, the following:

- A. Shutters should be appropriate for the architectural style of the home and be of the appropriate proportion to the windows they frame.
- B. Shutters should be the same color as the “accent” color of the home (typically the same as the front door or other accent details).

3.66.1 Shutters Exterior- Attached Lots

Other than shutters installed as part of the original construction, the addition of shutters is not permitted on Attached Lots.

3.70 Siding

Approval is required.

3.67.1 Siding Guidelines for Attached Lots

- A. Because the type of types of siding used on the individual homes in an Attached Building were designed to coordinate and complement one another, careful consideration must be given to maintaining the overall appearance of any particular Attached Building in the event the siding on any or all of the individual homes in an Attached Building is to be replaced.
- B. All Owners of the individual homes within an Attached Building are encouraged to coordinate siding replacement within that Attached Building at the same time, even if siding is substantially the same type or types of siding as originally used to maintain uniformity of color, finish, condition, etc.
- C. In the event an Owner of an individual home in an Attached Building submits a siding request to the ARC, the request must be for the same or substantially the same type or types of siding as existing on that home, or if the siding is to be changed to a different type, the requested type of siding must be complementary to the type or types of siding existing on the other homes within that Attached

Building.

3.71 Signs

Subject to the restrictions below, signs no more than 36” by 48” in size each may be displayed on a Lot without approval.

- A.** Commercial signs, defined as signs that carry a message making or intended to make a project, or advertising for the same purpose, of any size may not be displayed on a Lot.
- B.** One for sale or for rent sign per Lot be placed on a Lot during the marketing period of that Lot. Such sign must be removed upon sale or rental of the Lot.

Any signs are subject to compliance with any applicable provisions of the relevant Final Development Plan for the Lot and/or applicable City codes, both of which are subject to enforcement by the City of Brighton, and not the Operations Board.

Signs are not allowed to be affixed to District or Operations Board property, installed on District or Operations Board property or within District or Operations Board right-of-way without written District or Operations Board approval.

3.72 Skylights

Approval is required. Bubble type skylights are prohibited. Shall be installed to minimize visibility. Skylight glazing must be clear, solar bronze, or white.

3.73 Solar Energy Devices

Approval is required in order to review aesthetic conditions. Considerations by the ARC will include, but not be limited to, the following:

- A.** 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).
- B.** The edges of solar panels must be of a color compatible to the color of the roof.
- C.** Conduits and wires must, to the extent possible, following the eaves, direction of the siding, gutters, etc., and be painted to match the roof, siding or other material to which the conduit or wire is attached.
- D.** Panels shall be installed to be low profile.

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.

3.74 Spas

See Section 3.36, Hot Tubs; and Jacuzzis and Section 3.57, Pools

3.75 Sprinkler Systems

See Section 3.37, Irrigation Systems.

3.76 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 for any and all statue or fountain proposed for the front yard of a residence.

See Sections: 3.12, Birdbaths; Section 3.43, Ornaments/Art – Landscape/Yard; and Section 3.56, Ponds and Water Features

3.77 Storage Sheds

See Section 3.68, Sheds and Section 3.2, Accessory Buildings.

3.78 Sunshades

See Section 3.44, Overhangs/Awnings – Cloth or Canvas and Section 3.46, Patio Covers.

3.79 Swamp Coolers

See Section 3.5, Air Conditioning Equipment, Section 3.24, Evaporative Coolers, and Section 3.62, Rooftop Equipment.

3.80 Swing Sets

See Section 3.53, Play Structures and Sports Equipment, Section 3.54, Playhouses

3.81 Television Antennae

See Section 3.6, Antennae/Satellite Dishes.

3.82 Temporary Structures

No structure of a temporary character, including, but not limited to, a house trailer, shack, mobile home, storage shed, or outbuilding shall be placed or erected upon any Lot. However, during the actual construction, alteration, repair, or remodeling of a home, building, structure, or other Improvements, necessary temporary structures for storage of materials and/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.

3.83 Trash Enclosures

Approval is required for any trash or garbage enclosure. Considerations by the ARC will include, but not be limited to, the following:

- A. The enclosure shall be constructed of similar materials to that of the home.
- B. The enclosure must be located adjacent to either the rear or side of the house.
- C. The enclosure must be four-sided and completely enclosed, with one side being a side or rear wall of the home.
- D. No more than one enclosure will be permitted on any lot.
- E. The size of a trash enclosure is limited to a size no larger than necessary to appropriately screen the trash receptacles.
- F. The enclosure must screen trash receptacles from all sides.
- G. The enclosure must be painted to match the siding or be stained to match the existing fence depending on the materials used.

3.84 Tree Houses

Approval will not be granted. Tree houses are not permitted.

3.85 Tree Lawns

Unless maintained by the Operations Board, Owners are responsible for the maintenance of all landscaping on the Owner's Lot. Additionally, unless maintained by the Operations Board, Owners are also responsible for the maintenance of the Street/Tree Lawn Area (the area between the sidewalk and street), even if such area is within a public right-of-way. For those Street/Tree Lawn Areas not maintained by the Operations Board, 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 of similar size as the plant material being replaced, unless approved in writing by the ARC. For those Street/Tree Lawn Areas maintained by the Operations Board, Owners are not permitted to alter any plant material installed thereon. Also see Landscape Guidelines, Schedule 1, for more information.

3.86 Utility Equipment

Approval is required for installation of utilities or utility equipment. Utility facilities must be kept

and maintained, to the extent reasonably possible, underground or within an enclosed structure.

3.87 Vanes

See Section 3.91, Weather Vanes and Directionals.

3.88 Vents

See Section 3.62, Rooftop Equipment.

3.89 Walls

See Section 3.26, Fences and Section 3.90, Walls, Retaining.

3.90 Walls, Retaining

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

- A. Front yard retaining walls shall not exceed thirty (30) inches in height.
- B. In the side yard, retaining walls up to thirty (30) inches high, with a planted slope above the wall, may be constructed.
- C. In no event shall rear yard retaining walls exceed four (4) feet in height unless installed by the Builder or Developer.
- D. Retaining walls shall not significantly alter the drainage patterns on the lot or adjacent properties (including District, Operations Board, or public areas).
- E. Retaining walls shall be constructed with boulders, stone, brick, or split face modular concrete block facing units installed per manufacturer instructions.
- F. New or old creosote treated timber railroad ties and split faced blocks are prohibited.
- G. See Schedule 1 for additional information.

3.91 Weather Vanes and Directionals

Approval is required.

3.92 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.

3.93 Windows Replacement

Approval is required unless the replacement windows are substantially identical to the windows being replaced. Considerations by the ARC will include, but not be limited to, the following:

- A. Size and color of windows
- B. Existing and proposed window style
- C. Existing architectural style of home

See Section 3.21 Doors

3.94 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.

3.95 Work Involving District or Operations Board Property

Approval is required. Owners shall be responsible for any damage caused by them to District or Operations Board property. Generally, driving vehicles, including wheelbarrows, across District or Operations Board property is not permitted. However, when circumstances warrant, the ARC will consider requests provided that prior approval is requested and the Owner advances funds as may be reasonably required by the Board of Directors to repair any damage. The Operations Board will do the actual restoration of the Operations Board property.

SCHEDULE 1

Posted to the website as Landscape Design Guidelines

SCHEDULE 2

Posted to the website as Design Review Request Form