

**RESIDENTIAL IMPROVEMENT GUIDLINES AND SITE  
RESTRICTIONS  
FOR  
THE BRIGHTON CROSSINGS  
COMMUNITY**

AS OF JUNE 22, 2018  
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# **1 INTRODUCTION**

## **1.1 Basis for Guidelines**

These 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 Master Declaration for Brighton Crossing (the “Declaration”) requires prior approval from the Design Review Committee (the “DRC”), before any Improvement is made to upon any lot. Note that, per the Declaration, “Improvement” is defined as (a) the construction, installation, alteration, demolition in whole or in part, or expansion of any building, structure or other improvements, including utilities; (b) the staking, clearing, grading, excavation, filling or similar disturbance to the surface of the land, including without limitation any change of grade, change of ground level, change of drainage patterns, or change of stream bed or course; (c) all initial planting of and subsequent material modifications to landscaping, and all planting, clearing or removing of trees, shrubs, grass or perennial plants, but in each instance excluding removal of dead or diseased plants and trees and excluding any replacement that is substantially similar to the item being replaced; (d) any change or alteration to the exterior appearance of Improvements previously approved by the DRC, including any change in finish material, color or texture; (e) the repainting or resurfacing of exterior surfaces of structures, including roofing materials, gutters, downspouts, drain spouts, exterior siding or stucco finish, entry doors, windows, trim around doors and windows, surfaces of garage doors, external vents and flues and glass surfaces, exclusive of any replacement that is substantially identical to the item being repainted or resurfaced; and (f) reconstruction of any structures. In order to assist Owners, the DRC 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 DRC 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 (“SF 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 SF 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 SF Lots and Attached Lots, and any references to a Lot or Lots shall include both SF 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 DRC shall not be liable for any violation of the same.

These Guidelines shall supersede and replace in their entirety the following: (a) Brighton Crossing Master Association Inc. Water Tower Park Residential Improvements Guidelines, dated December 2004; and (b) Brighton Crossing Master Association, Inc. Fountain Park Residential Improvement Guidelines, dated May 2005.

**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 DRC (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 DRC 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 DRC until the “Turnover Date.” The Turnover Date is the earlier to occur of: (1) 60 days after the sale of 100% of the maximum units that could be created per ordinance or resolutions of the City of Brighton (the “City”) to owners other than the Declarant, or (2) 20 years after the recordation of the Declaration (December 13, 2022).

After the Turnover Date, the authority to appoint the DRC goes to the Brighton Crossing Master Association (the “Association”) board of directors, per the Declaration. The HOA has delegated and assigned its authority regarding architectural control and enforcement to Brighton Crossing Metropolitan District No. 4 (the “District”). As such, after the Turnover Date, the District board of directors will have the ability to appoint the DRC.

**1.5 DRC Contact Information**

The contact information of the DRC, 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	<a href="mailto:services@brightoncrossings-connect.com">services@brightoncrossings-connect.com</a>

## **1.6 Effect of Covenants**

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 DRC 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**

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 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 DRC nor the District 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:

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  
Dial 811 before you dig**

## **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 DRC 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 DRC 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 DRC, 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 DRC's interpretation shall be final and binding.

## **1.10 Enforcement of the Declaration and Design Guidelines**

The DRC and the District, as set forth in that certain Management Agreement by and between the District and Association, dated July 1, 2011, shall have responsibility for the enforcement of the architectural requirements of the Declaration and these Guidelines, as more fully provided in the Declaration. The District, its agents, and/or the DRC will investigate written complaints concerning violations of the requirements/prohibitions of the Declaration or these Guidelines, if such complaints are signed and dated by the person making the complaint. The District, its agents, and/or the DRC 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 DRC 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 District may take enforcement action (including assessing fines, fees, and penalties) in accordance with the Declaration and the District's compliance and fee policy then in effect. Specific duties and powers of the DRC and the District are more fully set forth in the Declaration.

## **2 PROCEDURES FOR DESIGN REVIEW APPROVAL**

### **2.1 General**

As indicated in Section 3, there are some cases in which advance written approval of the DRC 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 types of Improvements not included in Section 3, advance, or prior written approval of the DRC is required before any Improvement to property is commenced.

### **2.2 Drawings or Plans**

Owners are required to submit to the DRC 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 DRC 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.
- 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 DRC, 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 by the DRC. Any such fee shall be in such amount 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.

The DRC 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 DRC. Any costs incurred by the DRC 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 the DRC**

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 DRC. The DRC 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 DRC receives the Design Review Request Form and complete Plans and Specifications.

## **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 DRC. 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 DRC, 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 DRC 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 DRC 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 DRC 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 DRC. The DRC 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 8 of the Declaration shall be deemed to be nonconforming. Upon written request from the DRC, 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 DRC. Should an Owner fail to remove and restore or cure as required, then the District, acting through its Board of Directors, 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,

together with interest at the maximum rate then allowed by law, may be assessed against the subject lot and collected by the District.

## **2.9 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 DRC.

## **2.10 Questions**

If you have any questions about the foregoing procedures, feel free to call the DRC 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 DRC and written approval of the DRC obtained before the Improvement is commenced. In some cases, where it is specifically so noted, an Owner may proceed with the Improvement without advance approval if the Owner follows the stated guideline. In some cases, where specifically stated, some types of Improvements are prohibited. DRC review and approval is required on any external items not be listed below.

#### **3.2 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 DRC when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require.

#### **3.3 Waivers; No Precedent**

The approval or consent of the DRC 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.

#### **3.4 Liability**

Neither the DRC, nor 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 in regard to any matter within its jurisdiction. Neither the DRC, 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. The DRC will not make any investigation into title, ownership, easements (including any side yard 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.

#### **3.5 Accessory Buildings**

Due to the size of the Attached Lots, accessory buildings are not permitted on the Attached Lots. Approval is required for any accessory building on a SF 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 SF Lot.
- B. Accessory buildings are not permitted in the front yards, within utility easements or within oil and gas well setbacks.
- C. Storage sheds and 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. Storage sheds and/or any accessory buildings shall not be more than 200 square feet on lots without garages and not more than 120 square feet on lots with garages, and no taller than 15 feet high at the peak measured from the lowest point of finished grade adjacent to the structure. The roof pitch must be complementary to the existing roof on the home, unless otherwise approved by the DRC. Such storage sheds and/or accessory buildings must be permanent in nature.
- D. Exterior materials must match those on the home, unless otherwise approved by the DRC.
- E. Accessory buildings are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient by the DRC.
- F. The DRC, 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.
- G. Any utilities serving the storage shed or accessory building shall be underground.
- H. A playhouse or play structure shall not be considered an accessory building.

### **3.6 Additions and Expansions**

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

### **3.7 Address Numbers**

Approval is required to replace, alter or relocate existing address numbers, unless the

address numbers are replaced using the same style, type and color of numbers currently on the residence.

### **3.8 Air Conditioning Equipment**

Approval is required for all air conditioning equipment including evaporative coolers (swamp coolers) and attic ventilators installed after the initial construction.

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

No heating, air conditioning, air movement (e.g. swamp coolers) or refrigeration equipment shall be 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.

### **3.9 Antennae/Satellite Dishes**

#### **3.9.1 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 Board of Directors.

**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.

### **3.9.2 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. 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.

### **3.10 Awnings/Overhangs**

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.

### **3.11 Balconies**

See Section 3.20, Decks.

### **3.12 Barbecue/Gas Grills**

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

### **3.13 Basketball Backboards**

Basketball backboards attached to the house above the garage door may be approved by the DRC after review of submitted plans by the DRC. Approval is not required for portable basketball backboards, subject to the following limitations.

- 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. 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.

### **3.14 Birdbaths**

Approval is not required, subject to the following limitations. Birdbaths are only permitted in the rear yard. See Section 3.73, Statues, or Fountains.

### **3.15 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 bird feeder shall be installed on any lot. Birdhouses or bird feeders may be mounted on a pole, provided the pole shall not exceed five (5) feet in height. Pole mounted feeders in front or side yards require approval by the DRC.

### **3.16 Carports**

Approval will not be granted.

### **3.17 Clothes Lines and Hangers**

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

### **3.18 Cloth or Canvas Overhangs**

See Section 3.10, Awning/Overhangs.

### **3.19 Compost**

Compost containers and underground composting are prohibited.

### **3.20 Decks**

Due to the size of Attached Lots, new or expanded decks not constructed as part of the original construction of the home are not permitted on Attached Lots. Approval for any new or expanded deck on any SF Lot constructed or expanded after the initial construction of any deck by the builder of the home on the SF Lot is required. The deck must be constructed of wood or composite type decking products and approved by the DRC. The decking material must be of a color that matches or compliments one of the exterior paint colors or the masonry on the home. The deck should be located so as not to create an unreasonable level of noise for adjacent property Owners.

All deck columns shall be integrated into the architectural style/character of the home. Covered decks shall be compatible with the architectural style of the home through roof form integration, column design, and railing details. Supporting posts and columns associated with all covered decks or those more than thirty (30) inches above grade shall be a minimum eight (8) inches by eight inches unless grouped and wrapped (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, cedar, stained fir, or composite wood material, with a minimum one-half (1/2) inch thick boards and stained or painted to match the remaining portions of the deck. Construction shall not occur over easements or beyond the side plane of the home and must be set back a minimum of ten (10) feet from the rear property line. Construction of decks over a sloped area is discouraged. Deck rails should not exceed 42" in height with a maximum spacing of 4" on center.

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

### **3.21 Dog Houses**

Approval is required. In some instances, additional plant material may be required around the dog house for screening. Dog houses must be located within the rear yard or within a side yard behind the wing fence.

### **3.22 Dog Runs**

Approval is required. Dog runs must be located in the rear yard or within a side yard on

the Owner's Lot and behind the wing fence, abutting the home and substantially screened from view by planting fast-growing or mature trees or shrubs. Dog runs will be limited to two hundred (200) square feet, unless a variance is granted by the DRC. Dog run fences should be compatible with other fencing on the lot and in the community. Chain link fencing will not be permitted. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

Invisible pet fencing located on or within the perimeter boundary of an Owner's site does not require approval.

### **3.23 Doors**

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

#### **3.23.1 Storm Doors.**

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.

#### **3.23.2 Security Doors and Windows.**

All security or security-type doors and windows must be approved prior to installation.

### **3.24 Drainage**

The Declaration prohibits obstruction or rechanneling of flows and the alteration of the location or installation of drainage swales, storm sewers or storm drains. When installing your landscaping, it is very important to insure that the drainage pattern established at the time your home was constructed is maintained and 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 DRC may require a report from a drainage engineer as part of landscaping or improvement plan approval. Landscaping and all drainage from downspouts off the house should conform to the established drainage pattern. Sump pump drainage should be vented a reasonable distance from the property line, on the Owner's property, to allow for absorption. Adverse effects to adjacent properties, including District lands, sidewalks and streets, will not be tolerated.

### **3.25 Driveways**

Approval is required for any changes or alterations to driveways. This includes construction of a pull-off area to the side of the driveway and/or 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, spalling/peeling/etc.

### **3.26 Evaporative Coolers**

Approval is required. No rooftop or window mount installations are allowed. See Section 3.8, Air Conditioning Equipment.

### **3.27 Exterior Lighting**

See Section 3.43, Lights, and Lighting.

### **3.28 Fences**

#### **3.28.1 General Statement**

Fences constructed by the Declarant, the District, or a Participating 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 DRC.

- A.** If any such fences constructed by the Declarant or a Participating 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 the District and, if so, the approval of the District shall also be obtained before any such fence is removed, replaced, painted, or altered.

#### **3.28.2 Fence Designs**

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

- A.** Fences (not previously installed by a Participating Builder or the Declarant) 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 Attached Lot.
- B.** Double fencing of property lines is not permitted.

#### **3.28.3 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

or stain. Please refer to Schedule 1 for approved products.

#### **3.28.4 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. 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.
- C. 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.

#### **3.28.5 Prior Approved Fencing**

To the extent that fencing has been previously approved by the DRC based on a prior version of these Guidelines or otherwise, 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 DRC may, in its discretion, approve replacement with like-kind white vinyl fencing, taking into consideration the type of fencing installed on neighboring lots.

#### **3.28.6 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 3.21, Dog Houses and Section 3.22, Dog Runs.

#### **3.29 Fire Pits**

Approval is required for all permanent or built-in structures, whether gas or wood fired. Approval is not required for portable units. Fire pits shall only be permitted in the rear yard or within a side yard located on the Owner's Lot.

#### **3.30 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.

### **3.31 Flags/Flagpoles**

No DRC 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.

### **3.32 Garbage Containers and Storage Areas**

See Section 3.80, Trash Enclosures.

### **3.33 Gardens – Flower or Vegetable**

Approval is not required for flower or vegetable gardens. All flower and vegetable gardens must be weeded, cared for and maintained. Vegetable gardens are not permitted in the front yard.

### **3.34 Gazebos**

Approval is required. A gazebo must be an integral part of the rear yard or side 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.

### **3.35 Grading and Grade Changes**

See Section 3.24, Drainage.

### **3.36 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 located in the rear yard or a side yard.

### **3.37 Hanging of Clothes**

See Section 3.17, Clothes Lines, and Hangers.

### **3.38 Hot Tubs and Jacuzzis**

Approval is required. 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. 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 and the overall landscaping aesthetic. Prefabricated hot tub enclosures will be evaluated on a case-by-case basis and may require additional plant material screening.

### **3.39 Irrigation Systems**

Approval is not required for underground automatic irrigation systems. Such systems may require approval through the City. An underground automatic irrigation system install with the landscape is encouraged for all Lots. 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. Notwithstanding anything to the contrary contained in these Guidelines, any irrigation system on any Lot that is maintained by the District shall not be altered in any manner by the Owner of the Lot.

### **3.40 Kennels**

Approval will not be granted. Breeding or maintaining animals for a commercial purpose is prohibited. Also see Section 3.22, Dog Runs

### **3.41 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 Schedule 1 for additional guiding principles.

#### **3.41.1 Landscape Installation Schedule**

Initial landscaping of all yards shall be installed within nine months after the acquisition of the lot by the Owner from the Declarant or a Participating Builder or during the first growing season after such acquisition, whichever occurs later.

### **3.41.2 Landscape Maintenance**

- A.** In some areas of the Community, the District 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 District.
- 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 as well as the Street/Tree Lawn Area, unless the maintenance of the Lot and/or Street/Tree Lawn Area is performed by the District.

### **3.42 Latticework, Trellis, Arbors and Pergolas**

Approval is required for any type of installation of latticework, trellis, arbor or pergola. Adequate framing is required. The inside height of a proposed latticework, arbor, trellis or pergola must not exceed nine (9) feet, six (6) inches from the lowest point of finished grade to the highest portion of the arbor, trellis or pergola. Considerations will include, but may not be limited to, height, color and material. Latticework, arbors, trellises and pergolas must be complementary to the residence and/or an integral part of the landscaping plan. Professionally prepared plans for the same are highly encouraged to expedite the approval process; otherwise a photograph or catalog picture must be provided.

### **3.43 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. 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.

In relation to SF 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.).

Approval is required to modify or add exterior lighting, subject to the following:

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

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.

### **3.44 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. DRC approval is required prior to the installation, modification, or replacement of any such mailboxes.

### **3.45 Ornaments/Art – Landscape/Yard**

Approval is required.

See Also Section 3.73, Statues, or Fountains.

### **3.46 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.

The following guidelines are applicable to all SF Lots:

- A.** The DRC Submittal must also include photos showing the colors of the two homes on each side of the home (four total).
- B.** The DRC 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 checker board 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.

The following additional guidelines are applicable to all Attached Lots:

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.

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.

In the event any one, but not all, of the Owners of individual homes in an Attached Building

submits a painting request to the DRC, 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.

### **3.47 Patio Covers**

Patio covers are not permitted on Attached Lots. For SF Lots, 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 on SF Lots as well as extensions of the roof.

### **3.48 Patios – Enclosed**

See Section 3.6, Additions, and Expansions.

### **3.49 Patios – Open**

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. Approval for any new or expanded patio on any SF Lot constructed or expanded after the initial construction of any patio by the builder of the home on the SF Lot is required, subject to the following. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property Owners. In some instances, additional plant material around the patio may be required for screening or integration into the landscape design. The patio and materials must be similar or generally accepted as a complementary color and design to the residence. Also, Section 3.20, Decks.

### **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. See Section 3.25, Driveways.

### **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 3.83, Utility Equipment.

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

Approval is required. Play structures and sports equipment shall only be permitted in the rear yard or within a side yard. Consideration will be given to adjacent properties so as not

to create an undue disturbance. 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. Wood structures must be constructed of weather resistant materials. All play equipment must be maintained in a good and attractive manner. The use of multi-colored cloth/canvas tarps will not be approved. Height of any play structure (such as a swing set) or sports equipment may not exceed twelve (12) feet.

### **3.53 Playhouses**

Approval is required for both design and location. Playhouses shall only be permitted in the rear yard or within a side yard on the Owner's Lot.

For SF Lots, no playhouses shall exceed 12 feet in height at the roof pitch. The height of any playhouse placed on an Attached Lot shall not exceed the height of the fence enclosing the rear yard. See Section 3.5, Accessory Buildings.

### **3.54 Ponds and Water Features**

Due to the size of the Attached Lots, ponds and water features are not permitted. For SF Lots, approval is required. Considerations by the DRC 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 the lot or off the property.
- D. Must be maintained at all times.
- E. The maximum height of all fountain/pool elements and their spray is not allowed to be higher than four (4) feet from the ground plane.
- F. Must be a minimum of 5' from the building foundation.

### **3.55 Pools**

Approval is required. Pools must be placed in the rear yard and be an integral part of the deck or patio area. Due to the size of the Lots, pools, whether in-ground or above ground, are prohibited. 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 3.38, Hot Tubs and Jacuzzis.

### **3.56 Radio Antennae**

See Section 3.6, Antennae/Satellite Dishes.

### **3.57 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 and shall not be installed on the front of the home.

### **3.58 Roofing Materials**

Approval is required for all roofing materials other than repair or replacement with roofing materials that are substantially identical to the roofing materials being replaced. 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 Participating Builder.

In the event the shingles on any one, 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. If the shingles on all of 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 DRC.

### **3.59 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 3.70, Solar Energy Devices.

### **3.60 Satellite Dishes**

See Section 3.9, Antennae/Satellite Dishes.

### **3.61 Saunas**

See Section 3.5, Accessory Buildings.

### **3.62 Screen Doors**

See Section 3.23, Doors.

### **3.63 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 3.43, Lights and Lighting.

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

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

### **3.65 Sheds**

See Section 3.5, Accessory Buildings.

### **3.66 Shutters – Exterior**

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

### **3.67 Siding**

Approval is required.

Because the type or types of siding 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 the siding on any or all of the individual homes in an Attached Building is to be replaced.

In the event an Owner of an individual home in an Attached Building submits a siding request to the DRC, 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.

### **3.68 Signs**

One sign, not to exceed two feet by three feet in dimension, which may be used in connection with the sale of the lot, may be erected on a lot without DRC approval.

Additionally, political signs (defined as signs that carry a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue) may be displayed within the boundaries of a lot without approval, subject to the following:

- A. Political signs may not be displayed earlier than 45 days before the date of the election and must be removed no later than seven days after the election.
- B. No more than one political sign per political office or ballot issue that is contested in the pending election may be displayed.
- C. Political signs shall not exceed 36” by 48” in size.

Approval is required for all other signs.

### **3.69 Skylights**

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

### **3.70 Solar Energy Devices**

Approval is required 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 edges of solar panels must be of a color compatible to the color of the roof. 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. Panels shall be installed to be low profile. The DRC 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.

### **3.71 Spas**

See Section 3.38, Hot Tubs and Jacuzzis.

### **3.72 Sprinkler Systems**

See Section 3.39, Irrigation Systems.

### **3.73 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 Section 3.14, Birdbaths and Section 3.45, Ornaments/Art – Landscape/Yard

### **3.74 Storage Sheds**

See Section 3.5 Accessory Buildings.

### **3.75 Sunshades**

See Section 3.10, Awnings/Overhangs and Section 3.49, Patio Covers.

### **3.76 Swamp Coolers**

See Section 3.8, Air Conditioning Equipment, Section 3.26, Evaporative Coolers, and Section 3.59, Rooftop Equipment.

### **3.77 Swing Sets**

See Section 3.52, Play Structures and Sports Equipment.

### **3.78 Television Antennae**

See Section 3.9, Antennae/Satellite Dishes.

### **3.79 Temporary Structures**

No structure of a temporary character, including, but not limited to, a shack, mobile home, or other temporary structure shall be placed or erected upon any lot. However, during the actual construction, alteration, repair or remodeling of a structure or other Improvements on a lot, 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 on a lot shall be diligently pursued from the commencement thereof until the completion.

### **3.80 Trash Enclosures**

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

### **3.81 Tree Houses**

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

### **3.82 Tree Lawns**

Unless maintained by the District, Owners are responsible for the maintenance of all landscaping on the Owner's lot. Additionally, unless maintained by the District, Owners are also responsible for the maintenance of the Street/Tree Lawn Area, even if such area is within a public right-of-way. For those Street/Tree Lawn Areas not maintained by the District, Owners are not permitted to alter plant material installed by the Participating Builder, the District or the Declarant in the 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 DRC. For those Street/Tree Lawn Areas maintained by the District, Owners are not permitted to alter any plant material installed thereon. Also see Landscape Guidelines, Schedule 1, for more information.

### **3.83 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.

### **3.84 Vanes**

See Section 3.88, Weather Vanes and Directionals.

### **3.85 Vents**

See Section 3.59, Rooftop Equipment.

### **3.86 Walls**

See Section 3.28, Fences and Section 3.87, Walls, Retaining.

### **3.87 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. In no event shall rear yard retaining walls exceed four (4) feet in height unless installed by a Participating Builder or Declarant. Retaining walls shall not significantly alter the drainage patterns on the lot or adjacent properties (including District or public areas). Retaining walls shall be constructed with boulders, stone, brick or split face modular concrete block facing units installed per manufacturer instructions.

New or old creosote treated timber railroad ties and split faced blocks are prohibited.

### **3.88 Weather Vanes and Directionals**

Approval is required.

### **3.89 Wind Electric Generators**

Approval is required. In addition to DRC 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.

### **3.90 Windows Replacement**

Approval is required unless the replacement windows are substantially identical to the windows being replaced. Considerations will include, but may not be limited to, size, color, existing and proposed window style and style of home.

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

Approval is not required for window well covers that are manufactured with metal or plexiglass. Domed or bubble window well covers are not permitted. All others will require DRC 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.

Security bars are prohibited.

### **3.92 Work Involving District Property**

Approval is required. Owners shall be responsible for any damage caused by them to District property. Generally, driving vehicles, including wheelbarrows, across District property is not permitted. However, when circumstances warrant, the DRC 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 District will do the actual restoration of the District property.

## **SCHEDULE 1**

**[BRIGHTON CROSSINGS LANDSCAPE DESIGN GUIDELINES – GUIDE FOR RESIDENTS]**

**See Landscape Guide for Residents Link on Website**

**<https://www.brightoncrossings-connect.com/wp-content/uploads/2019/04/Brighton%20Crossing-Design%20Guidelines-Resident%202019-01-17.pdf>**

## **SCHEDULE 2**

### **[DESIGN REVIEW REQUEST FORM]**

**See Design Review Request Form Link on Website**

<https://www.brightoncrossings-connect.com/community-documents/design-review/design-review-request-form/>