

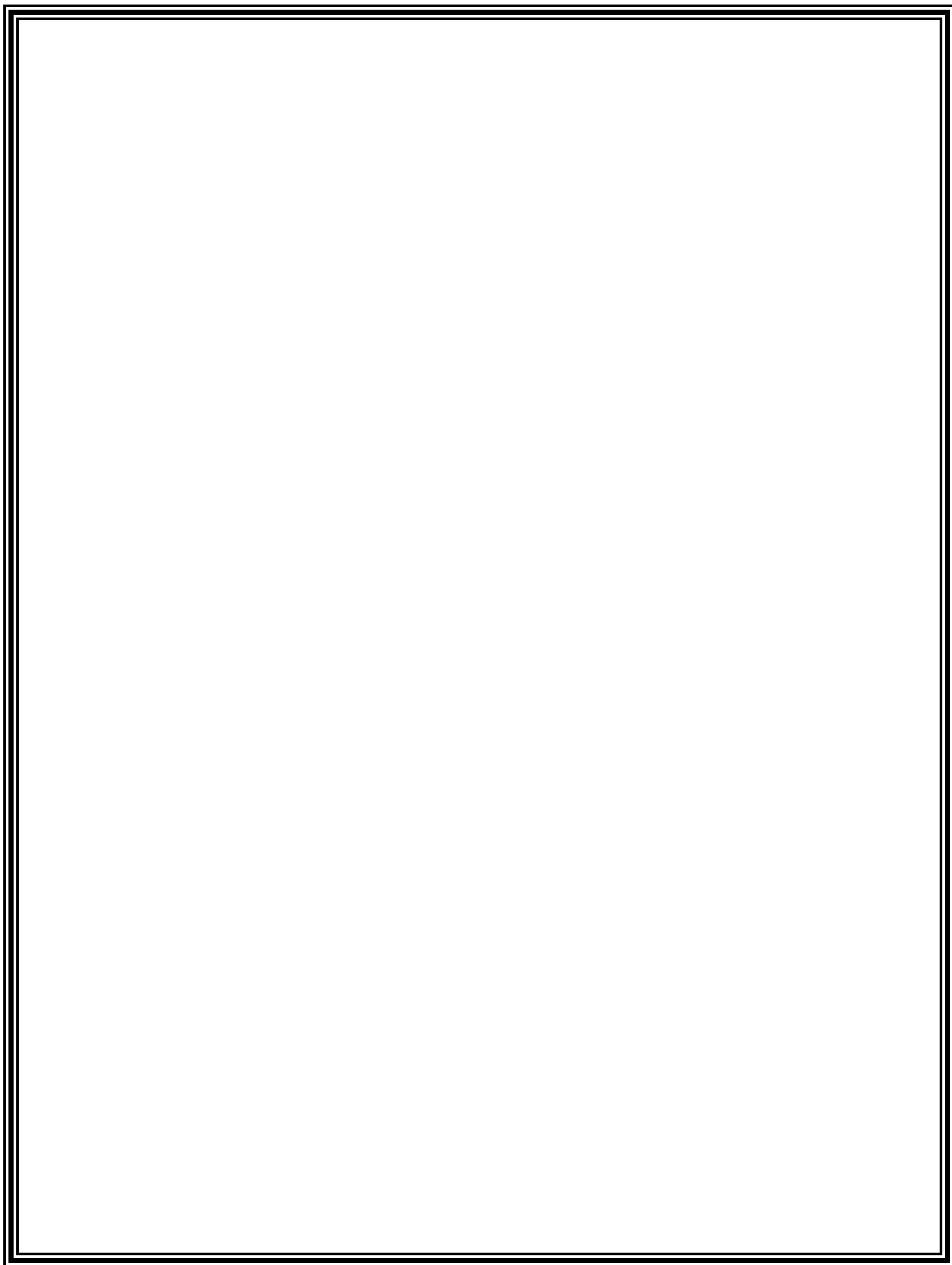
# **Architectural Review Committee**

# **Design Guidelines**

**Heights At Templeton Homeowner's Association**

Revision 0.4b

May 2003



## Revision Chart

<b>Date</b>	<b>Version</b>	<b>Description</b>
03/15/2003	0.1	Initial Outline
03/21/2003	0.2	Basketball, Flag Pole, Dog Houses, Added
03/24/2003	0.3	Accessory Structures, Fence Gates, Driveways, Pedestrian Skirts, Clothes Lines, Fencing Materials added.
03/30/2003	0.4	Dog Enclosure and "Fence" Additions
04/30/2003	0.4a	Grammer and Editorial Changes
05/30/2003	0.4b	Finalize wording in "Fence and Walls" (3.8.1) and "Dog Houses/Runs" (3.8.29) Sections

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# 1 Introduction

## 1.1 Purpose of Document

The Purpose of this document is to clarify, detail, and otherwise make clear the Architectural Review Committee's (ARC's) interpretation or position on the "Covenants" detailed in Section VII— (Restrictive Covenants and Obligations) of the community's Declaration of Covenants, Conditions, and Restrictions (CC&Rs) for the Heights At Templeton Homeowner's Association (HOA).

Because some of the CC&Rs are open to interpretation by the Committee, the Committee members unanimously decided that it was necessary to address some of these interpretable items before making specific decisions on the improvement requests that will be tendered by Homeowners. The Committee wanted to make these interpretive decisions in advance of addressing specific improvement requests. This was done so that all future ARC decisions and rulings (for any improvement request from any homeowner) are consistent, fair, and impartial and not a reaction to a specific request.

## 1.2 Statement of Scope

This document supplements and expounds on the CC&Rs. Section 7.8.1 of the CC&Rs refers directly to the ability of the ARC to create a Design Guideline. This document has been created by the ARC as a guideline and can be overridden on a case-by-case basis.

This document will be populated as the ARC encounters situations that need clarification or where the CC&Rs need interpretation or explanation. This document will be distributed to all Homeowners, and will be redistributed after any major changes. Revision control will be maintained so that it is clear as to the current version of the document.

# 2 Definitions

## 2.1 Improvement

"Improvement" shall mean and refer to any improvement constructed on a Lot, including, but not limited to Residence addition, building, garage, out-building or accessory structure, fixture, landscaping, site grading, driveway, sidewalk, drainage channel, culvert, roadway, fence, wall, deck, patio, shed, swimming pool, hot tub, fountain, dog enclosure, or pond.

## 2.2 Lot

"Lot" shall mean and refer to any separately numbered plot of land shown upon any recorded Plat(s), excluding any of the HOA's Common Area and any public streets.

## **2.3 Project**

“Project” shall mean all the property in the “planned community” that is governed by the Bylaws and CC&Rs of the Heights at Templeton Homeowner’s Association.

## **2.4 Residence**

“Residence” shall mean and refer to the improvements located upon any Lot built for single-family occupancy as a residence, which are constructed on or after the date on which the CC&Rs were effective.

## **3 Guidelines**

The following sections are laid out so that there is a one-to-one correspondence between each paragraph in Article VII of CC&Rs. Only paragraphs that have been investigated by the ARC and/or the Board of Directors are detailed.

### **3.1 (7.1) Residential**

### **3.2 (7.2) Sales and Construction Facilities of Declarant**

### **3.3 (7.3) Compliance With Law**

### **3.4 (7.4) Rules and Regulations**

### **3.5 (7.5) No Other Business**

### **3.6 (7.6) Setbacks**

### **3.7 (7.7) Preservation Easement**

### **3.8 (7.8) Miscellaneous Use Restrictions**

#### **3.8.1 (7.8.1) Fences and Walls**

Primary fences (those that can be viewed directly from the street or adjoining properties) must be constructed of wood and in a style compatible with the general nature of construction within the Project. In general, six-foot cedar stockade style is the accepted fencing material and style (stockade fences with steel post systems will be permitted on a case-by-case basis). When a fence faces a street, the fence posts and stringers should be on the inside of the fence (away from the street). The ARC will deal with all other fencing applications and fencing materials on a case-by-case basis.

Primary wing fences (fence segments running from the residence to a primary perimeter fence for the purpose of enclosing a rear yard) and fence

segments that screen a property from public roads must be constructed so as to screen the rear yard completely, as viewed from the street at the property (e.g., stockade style with minimal board spacing).

Chain link fencing materials may not be used for primary perimeter fencing or for primary wing fences. Chain link materials may be used for a dog enclosure (see section on dog enclosures), but only in a fully enclosed rear yard and only with prior approval of the ARC. No more than 60 linear feet of chain link may be used for this purpose on any individual property, and the enclosure must be constructed in such a way as to ensure that all chain link materials are below the top of the screening fence line when viewed from the street at the property.

The ARC has established a policy for all Residences of the Project that allows for a maximum of two adjoining gates panels with a maximum five-foot span each. Gate supports must be adequate to keep gate panels from sagging or dragging (e.g., 6"x6" post minimum sunk to sufficient depth and in a sufficient amount of concrete). Gate panels must be constructed with sufficient bracing so that they do not sag. Gate must be made of same material as ARC approved fence (support posts do not have to be cedar, but must be wood). Gate panels must swing into backyard (and not out) unless site grade will not permit inward swing. Hinges and the bulk of the gate hardware must be on the inside of the fence. Gate must be properly secured when not it use and must withstand buffeting winds with minimal movement. This may require a removable center support. If any gate panel sags, the ARC reserves the right to seek repair or removal.

### **3.8.2 (7.8.2) Antennas**

### **3.8.3 (7.8.3) Transmitters**

### **3.8.4 (7.8.4) Repair of Buildings**

### **3.8.5 (7.8.5) Reconstruction of Buildings**

### **3.8.6 (7.8.6) Nuisances**

### **3.8.7 (7.8.7) Unsightly Articles**

The ARC decided that clotheslines will be addressed on a case-by-case basis. A clothesline must be located such that it is completely screened from adjoining property (public or private) including the public street. If a requested clothesline is visible from the street or from public or private property, then the request will be declined. If approved, the clothesline will be subject to the unsightly articles rules of paragraph 7.8.7. If it at the discretion of the ARC it becomes unsightly, the ARC will retract its approval and neither the approval nor the retraction will be subject to review.

### **3.8.8 (7.8.8) Storage**

### **3.8.9 (7.8.9) Signs and Flags**

The ARC members and Board of Directors agreed that flagpoles would be permitted in the community. Flagpoles must be commercially manufactured, preferably of aluminum. A flagpole must be properly secured into the ground and cannot be taller than 15 feet when measured from site grade. Only a five-foot by three foot (or smaller) United States Flag or Colorado State Flag may be flown. ARC approval for location of pole on Lot is still required.

### **3.8.10 (7.8.10) Single-Family Use Only**

### **3.8.11 (7.8.11) Hazardous Activities**

### **3.8.12 (7.8.12) Garage Sales**

### **3.8.13 (7.8.13) New Construction**

### **3.8.14 (7.8.14) Storage of Building Materials**

### **3.8.15 (7.8.15) Temporary Structures**

The ARC established a policy for all Residences of the Project that restricts Accessory Structures (e.g., sheds, greenhouses, etc.) to a maximum of 240 gross square feet of floor area and maximum of 9 feet 6 inches in height. Any Residence may have up to two Accessory Structures with a combined floor area not to exceed a total of 240 gross square feet (e.g., two 10' by 12' structures or one 20' by 12' structure). Any Accessory Structure greater than 120 gross square feet requires a building permit. All Accessory Structures are subject to the setback rules detailed in 7.3.105 of the city zoning code. Accessory Structures must be purchased or constructed so they look similar to the Residence (e.g., wood siding, asphalt shingles). Accessory Structures must be constructed such that they can adequately handle any "snow load" and roof pitch must be at least 4/12 (no flat roofs). Color(s) of any Accessory Structure must match the Residence. If a Residence has stucco siding, the Accessory Structure should be purchased/constructed with wood siding and asphalt shingles as above, and painted to match the stucco colors.

### **3.8.16 (7.8.16) Basketball Hoops**

Section 7.8.16 of the CC&Rs reads:

"7.8.16 Basketball Hoops. Basketball hoops shall only be allowed if the backboard is affixed to the attached garage of the Residence and painted the same color as the Residence; or as otherwise approved by the Architectural Review Committee."

The HOA Board of Directors and the ARC members agree that this is not necessarily an ideal set of conditions/restrictions placed on the Homeowners, given 1) the neighborhood park is not in place, 2) the steepness of most of the driveways in the community, and 3) the desire of several homeowners to have portable basketball goals.

The Board and the ARC agreed that portable basketball goals will be allowed "with conditions" if an Application For Approval of Proposed Improvement (ARC form) is filled out by any Homeowner. This broad approval will most likely be rescinded when the neighborhood park is fully functional. This permission is limited by the following:

- 1) Permission for a portable goal can be rescinded by the HOA at any time
- 2) Portable goals must be located in the driveway on the "Residence side" of the sidewalk or in the back yard of the Residence
- 3) Portable goals cannot be placed on the driveway skirt
- 4) Portable goals cannot be placed on the sidewalk or in the street
- 5) Portable goals must be weighted with water or sand as designed by the manufacturer (no makeshift weighting such as bricks, stones, or sandbags)
- 6) No permanent basketball goals are to be erected in the front yard of any Residence
- 7) Garage mounted goals require ARC approval
- 8) Permanent back yard goals require ARC approval

While allowing this broad permission, the HOA Board of Directors and the ARC members are most concerned with the safety of the neighborhood children. All efforts should be made by the homeowner who erects a portable basketball goal to insure that the children will be able to play safely. The greatest concern is that a child will chase a ball or dart into the street and into potential danger from moving vehicles. In this light, we request that Homeowners use good judgment when locating a portable basketball goal at their Residence.

### **3.8.17 (7.8.17) Landscaping**

### **3.8.18 (7.8.18) Vegetable Garden**

### **3.8.19 (7.8.19) Livestock, Poultry, and Pets**

### **3.8.20 (7.8.20) Roofing**

### **3.8.21 (7.8.21) Colors**

### **3.8.22 (7.8.22) Windows**

**3.8.23 (7.8.23) Window Coverings****3.8.24 (7.8.24) Solar Panels****3.8.25 (7.8.25) Garages****3.8.26 (7.8.26) Firewood****3.8.27 (7.8.27) Swimming Pools/Hot Tubs****3.8.28 (7.8.28) Mechanical Equipment/Utilities****3.8.29 (7.8.29) Dog Houses/Runs**

Section 7.8.29 of the CC&Rs states that dog houses must be constructed of materials compatible with the Residence. To give Homeowners, flexibility the ARC's opinion is that dog houses can be constructed of siding and roofing material like that of the Residence and painted so that it matches the Residence or it can be a commercially manufactured dog house. If the commercially manufactured dog house can be painted, then it should be painted the color(s) of the Residence as above. As also stated in 7.8.29 of the CC&Rs any dog house must be located such that it is screened from adjoining property (public or private) including the public street.

Dog enclosures (pens or runs) may be no larger than 200 square feet and may not exceed six feet in height. Dog enclosures may be constructed of approved wood fencing or chain-link as described in section 3.8.2 of these guidelines. They may also be commercially manufactured chain-link dog enclosures. As stated in 7.8.29 of the CC&Rs any dog run (enclosure) must be located such that it is screened from adjoining property (public or private) including the public street. In general, this means that any property that has a dog enclosure must also have an approved perimeter fence and the enclosure must not be visible above the top of the perimeter fence as viewed from the street at the property. The material under the dog enclosure can be concrete, dirt, sand, grass, rock, etc. The dog enclosure cannot be permanently anchored in a concrete pad.

**3.8.30 (7.8.30) Exterior Lighting****3.8.31 (7.8.31) Play Equipment****3.8.32 (7.8.32) Driveways**

The ARC established a policy for all Residences of the Project that prohibits the extending of driveways within the Project.

The ARC established a policy for all Residences of the Project allowing for pedestrian skirts on either side of any driveway in the Project (to allow for pedestrian exit from vehicles parked on the driveway). The skirt(s) can be up to 24" wide but cannot be wider than the face of the garage. Parking on the pedestrian skirts will not be permitted. Pedestrian skirts are still subject to the rules of paragraph 7.8.32 of the CC&Rs and the city zoning code that state driveways cannot be widened at the curb. ARC approval must be approved before installation of a pedestrian skirt.

### **3.8.33 (7.8.33) Retaining Walls**

### **3.8.34 (7.8.34) Site Grading**

## **3.9 (7.9) *Failure to Maintain***