

# WINDERMERE

# DESIGN GUIDELINES

EFFECTIVE:  
January 2022

## Table of Contents

A.	INTRODUCTION.....	3
B.	THE PURPOSE .....	3
C.	LEGAL AUTHORITY .....	3
D.	SUPPLEMENTAL GUIDELINES TO GOVERNMENTAL REGULATIONS .....	3
E.	NON-LIABILITY .....	4
F.	DESIGN REVIEW PROCEDURE.....	4
1.	Submission of Drawings and Plans for a Major Improvement.....	4
2.	Submission of Drawings and Plans for Landscaping and Other Site Improvements .....	5
3.	Revisions and Additions to Approved Plans.....	6
4.	Action by the Committee.....	6
5.	Review of Work in Progress.....	6
6.	Completion of Improvements.....	6
7.	Period of Plan Validation.....	7
G.	IMPROVEMENT STANDARDS .....	7
1.	Accessory Structures .....	7
2.	Air Conditioners.....	7
3.	Architectural Detailing .....	7
4.	Architectural Style.....	7
5.	Awnings/Patio Covers/Gazebos/Pergolas and Shutters.....	7
6.	Decks and Patios.....	8
7.	Exterior Lights.....	8
8.	Exterior Materials .....	8
9.	Fencing .....	8
10.	Fire Pits / Chimineas / Fireplaces.....	8
11.	Hot Tubs/Jacuzzis.....	9
12.	Irrigation Systems.....	9
13.	Landscape Maintenance .....	9
14.	Landscaping.....	9
15.	Artificial Turf Guidelines.....	11
16.	Massing.....	11
17.	Painting/Repainting .....	12
18.	Retaining Walls.....	12
19.	Roof Forms and Material.....	12
20.	Seasonal Decorations.....	12
21.	Trash (garbage) Containers, Enclosures and Pickup:.....	13
22.	Yard Ornaments/ Flagpoles .....	13
23.	Vehicles and Vehicular Parking.....	14
H.	IMPROVEMENTS EXEMPT FROM COMMITTEE APPROVAL.....	15
1.	Interior Alterations .....	15
2.	Repairs to a Previously Approved Residence.....	15
3.	Materials Added to Approved Landscaping .....	15
4.	Play and Sports Equipment.....	15
5.	Satellite Dishes/Antennae.....	15
6.	Solar Energy Devices “Solar Panels” .....	16
I.	CONSTRUCTION PERIOD REGULATIONS .....	16
1.	OSHA .....	16
2.	Construction Hours.....	16
3.	Construction Access .....	16
4.	Debris and Trash Removal.....	16
5.	Restoration and Repair.....	17
6.	Prohibited Uses and Activities .....	17

## A. INTRODUCTION

---

The Design Guidelines (the "Guidelines") have been prepared to govern the procedures of the Design Review Committee (the "Committee") for The Sands Metropolitan District (the "District").

These Guidelines are created to supplement the Declaration of Covenants, Conditions and Restrictions for each of the filings in The Sands ("Declaration"), recorded in the real property records for El Paso County, Colorado, as may be amended. Owners and Builders are subject to the design review and approval requirements set forth in Article 3 of the Declaration in addition to the following Guidelines. Capitalized terms not defined herein shall have the definition provided in the Declaration.

## B. THE PURPOSE

---

The general intention of the Guidelines is to ensure the continued enhancement of the value, desirability, and attractiveness of the residential areas of Windermere.

These Guidelines will provide Builders and Owners with procedures and requirements involved in the design review process.

The Guidelines will also serve as the Committee's guide for review of each application for approval of an alteration to the exterior of a Lot, including installation of certain Improvements. The Guidelines will allow the design review process for each application submitted for proposed improvements to be processed consistently. The Committee's role is to consider the image of the community and promote overall harmony when reviewing and approving applications for proposed Improvements.

## C. LEGAL AUTHORITY

---

Authority for design review is supported by the Declaration and Section 32-1- 1004 (8), Colorado Revised Statutes, which allows the District to provide design review services for The Windermere community. The District Board hereby adopts these Design Guidelines as the basis for all design review. Should these Guidelines be revised, such revisions shall then take precedence over previous Guidelines. The Declaration shall govern should any discrepancies that occur between these Guidelines and the Declaration.

## D. SUPPLEMENTAL GUIDELINES TO GOVERNMENTAL REGULATIONS

---

These Guidelines are supplemental to regulations normally in effect for the Property, including El Paso County Zoning and Subdivision Regulations, applicable federal and state regulations, and pertinent building codes. All construction within Windermere shall comply with these Guidelines and all other applicable regulations.

## E. NON-LIABILITY

---

Committee approval pursuant to these Guidelines is not a substitute for, nor a guarantee of engineering design or compliance with laws and applicable governmental ordinances or regulations (such as zoning or building ordinances), and does not reflect any representation by the Committee, its members, the District Board, or the Declarant to assume any liability or responsibility for an applicant's design compliance with any applicable laws, governmental ordinances or regulations, or any other matter relating thereto, other than these Guidelines. Neither the Committee, its members, the District Board, the Declarant, nor any of their successors, assigns, agents, employees, or officers, shall be liable to any Owner or other Person for any damage, loss, or prejudice suffered or claimed on account of:

1. Approval or disapproval of any plans;
2. Performance of any work, whether or not pursuant to approved plans and drawings and specifications
3. Development of any property within Windermere

Aesthetic considerations relating to any Improvement or other matter that is addressed in these Guidelines are within the scope of the design review process, and the Committee may deny or condition any application before it on the basis of aesthetic considerations, including the design theme for the development and specific areas within the development, as well as the aesthetic consistency of a proposed Improvement or other matter with the surrounding landscape.

## F. DESIGN REVIEW PROCEDURE

---

### 1. Submission of Drawings and Plans for a Major Improvement

All Builders, Owners, contractors, subcontractors, and/or their designated representatives shall comply with the following procedures to obtain approval for any Improvement to residential property within Windermere. All construction that is to be undertaken in Windermere, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements, including but not limited to, sidewalks/walks, driveways, drainage, fencing, lighting, landscaping, or other exterior improvements is subject to review under these Guidelines. Unless otherwise specifically stated herein, drawings or plans for a proposed Improvement must be submitted to the Committee and the written approval of the Committee must be obtained before the Improvements begin. Builders may obtain approval from the Committee for a master plan of each standard floor plan and elevation so that only one approval is necessary ("Master Plan"). The District Board will provide all Owners and Builders with written notice of any fees charged for design review.

Unless a Builder has been exempted from the design review approval process pursuant to Section 3.06 of the Declaration because the Declarant has previously approved the Builder's drawings and plans, for approval of new building construction or major Improvements, such as room additions, remodels or structural changes, the Builder or Owner shall submit to the Committee one (1) set of construction documents to include the following:

- a. One set of Architectural Plans at a scale of  $\frac{1}{4}'' = 1'$ , including:
  - i. Architectural elevations (front, sides, and rear), indicating typical proposed grade lines, finish floor elevations, top of slab elevations and building height calculations.
  - ii. Floor plans, including square footage for each floor.
  - iii. Roof plans indicating pitches, ridges, valleys, and location of mounted equipment.
  - iv. Identification of all proposed exterior materials.
  - v. Exterior details, including items such as chimneys, exterior stairs and decks, railings, and deck supports.
  - vi. Any other proposed improvements (i.e., decks, awnings, hot tubs, etc.)
  
- b. Site Plan of the lot, at a scale of  $1''=10'$  or  $1''=20'$ , including:
  - i. Lot lines and dimensions, building setbacks, street right-of-way, curb lines and easements.
  - ii. Existing and proposed contour lines at 2' intervals extending to all property lines, existing or proposed street elevations, finish grade at building corners, and drainage swales may be required. Finish floor, and garage slab elevations also may be required.
  - iii. Building footprint.
  - iv. Sidewalks/walks, driveways, decks, accessory structures, dog runs or privacy fencing, retaining walls with top and bottom of wall elevations.
  
- c. Exterior colors, materials, and finishes, including:
  - i. All finished exterior materials and colors, including siding/downspouts, trim/gutters, roofing, garage doors, front door, and window trims.
  - ii. Catalog sheets for exterior lighting.
  - iii. Samples of materials and/or a 4'x4' lay-up of masonry or stone material at the home site may be required at the discretion of the Committee.

## 2. Submission of Drawings and Plans for Landscaping and Other Site Improvements

Committee approval shall be obtained prior to the installation of any landscaping or any other site Improvements including, but not limited to, pet enclosures, permanent play & sports equipment, fencing, deck, or patio additions, etc. In most cases, the documentation to be submitted will not have to be professionally prepared by an architect, landscape architect, or drafter, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the Committee. The Committee may approve a Builder's standard plans for landscaping or site improvements and upon such approval, each standard plan will be considered to be a "Master Plan" not requiring further Committee approval. The following guidelines should be utilized in preparing drawings or plans:

- a. The drawing or plan should be done at a scale of  $1'' = 10'$  or  $1'' = 20'$  and should depict the property lines of the lot and the "footprint" of the home as located on the lot. Existing improvements, in addition to the home, should be shown on the drawing and identified. Such existing improvements include driveways, walkways, decks, trees, shrubs, etc.
  
- b. All proposed plant locations, types, quantities, and sizes; location of turf and other ground cover materials should be shown on the plan and labeled. The plan should exhibit grading and layout of all additional landscape improvements such as berms, sidewalks/walks and structures not covered under the original approved plan review.

- c. Plans for any other site improvements, such as play/sports equipment, dog runs, hot tubs, trellises, retaining walls, lighting, gazebos, etc. should be shown on the plan with a description of the proposed improvement, including the materials and colors to be used. In the case of structural improvements (trellises, gazebos, etc.), an elevation drawn to scale of the proposed Improvement is required.

### 3. Revisions and Additions to Approved Plans

Any revisions and/or additions to the approved architectural or landscape plans made by either the Builder, Owner, or as required by the applicable governmental authority must be resubmitted for approval by the Committee. The revised plans must follow the requirements outlined above. The Committee will review the plans and provide the applicant with a written response as provided below.

### 4. Action by the Committee

The Committee will timely convene as needed to review all plans submitted for approval. The Committee may require the applicant to submit additional materials and the Committee may postpone taking action on the application until all required materials have been provided. The Committee or its representative will contact the applicant in writing, by phone or by electronic mail if the Committee needs additional materials or information or if it has any suggestions for the modification of the submitted plans. Within 45 days after receipt of all materials required by the Committee, the Committee will, in writing, approve, approve with conditions, or disapprove the plans. The Committee may make a written request for an extension of time to make its decision, not to exceed an additional 30 days. If a written response by the Committee is not received within the 45-day period (or as may be extended), the application will be deemed disapproved.

### 5. Review of Work in Progress

The Committee shall have primary authority to enforce the provisions of these Guidelines. The Committee may review all work in progress to ensure that the construction or work complies with all approved plans and construction procedures. The absence of such review or notification during the construction period does not constitute either approval by the Committee of work in progress or compliance with these Guidelines or the Declaration. The Committee may withdraw approval of any project and require all activity at such project to be stopped, if deviations from the approved plan or approved construction practices are not corrected or reconciled within ten (10) days after written notification to the Builder or Owner specifying such deviations, or such longer period as the Committee may specify. Any Committee visits to the site are in addition to standard inspections required by applicable government authorities during the construction process.

### 6. Completion of Improvements

Upon completion of the Improvement, the applicant shall give written notice of completion and pictures of the completed project to the Committee. The Committee has the right to inspect the Improvement prior to or after completion. The Committee shall be deemed to have waived its right of inspection if it does not inspect the Improvement within forty-five (45) days after notice of completion is given to the Committee.

Upon inspection, the Committee may issue a notice of noncompliance if there are items that do not comply with the approved plans. The notice shall specify the action the applicant must take to remedy the noncompliance. The applicant shall have forty-five (45) days to remedy the non-compliance, or the Committee may take any and all actions authorized under the Declaration to assure compliance.

## 7. Period of Plan Validation

Approval of plans is valid for twelve (12) months unless otherwise agreed in writing by the Committee and the Builder or Owner. Construction of the approved Improvement must begin within the 12-month period. If it does not, the plans must be resubmitted for review by the Committee. Approved Master Plans do not have this requirement.

## G. IMPROVEMENT STANDARDS

---

### 1. Accessory Structures

Accessory structures such as gazebos, greenhouses, sheds, etc. shall be located in the rear yard or in a location not prominently visible to the street. Such structures must be constructed of like material, shingles, and color as the main structure on the Lot, or complimentary stained wood. Carports are prohibited. Requests for approval of accessory structures will be reviewed on a case-by-case basis, taking into consideration the Lot size, square footage of the home and proposed location of the accessory structure. Gazebos must be an integral part of the landscape plan.

### 2. Air Conditioners

Air conditioners must be ground mounted in the side yard. No 'swamp' coolers or window mounted air conditioners visible from the front of the house or the street will be permitted.

### 3. Architectural Detailing

To add definition and break up flat planes of walls, the use of architectural elements to create shadow lines is encouraged to be incorporated in the design of the home. Architectural elements to accomplish this definition include recessed windows, deep eaves and offset wall planes, window shutters, well-proportioned porches with brackets, trellises and arbors, decks, detailed fascia, belly bands, etc. All windows are to be framed by trim or revile. All corners should not have metal trim.

### 4. Architectural Style

No mandatory architectural style is required for Windermere. However, it is the intent of these standards that residential designs develop proportions and details appropriate to the home site and neighboring properties. Careful scrutiny will be given to the massing, proportions, overall scale and the homes' materials, color and textures. Once a style has been approved by the Committee for a neighborhood, it shall require Committee approval to change an "as-built" design.

### 5. Awnings/Patio Covers/Gazebos/Pergolas and Shutters

Awnings, Patio Covers, Gazebos, Pergolas and Shutter colors must be complementary to the exterior color of the home. Patio covers must be constructed of wood or material generally complementary to the home and be similar or complementary in color. Where utilized, support posts for patio covers must be a minimum of 4"x 4" in size. Aluminum/Steel/Iron Pergolas and Gazebos of a dimension of no more than 12' by 16 feet are approved as long as they are properly

maintained in like-new condition and not attached to the residence. Covers must be maintained in good condition without any tears, holes, or stains. Unacceptable awning treatments include thin wood lattice, metal, plastic, and untreated or striped fabric.

## 6. Decks and Patios

Free Zone requirements apply. Decks must maintain the overall form and be a natural extension of the architecture. Deck supports must have a substantial scale that visually anchors them to the ground and should be a minimum of 4" x 4" in size.

Outdoor living areas are encouraged. Patios, decks, and other paving materials should be compatible and harmonious in color and texture with the structure and surrounding neighborhood and must be an integral part of the landscape architectural design. Only permanent or outdoor furniture on decks and patios will be permitted. Furniture primarily intended for indoor use will not be permitted for outside use.

## 7. Exterior Lights

Exterior lighting shall not illuminate into adjacent properties. Colored or multiple hanging lights other than seasonal decorative lights installed from November 15th to January 15th are prohibited.

## 8. Exterior Materials

To anchor the residence to the site and provide a continuity of materials, it is encouraged that the exterior front elevation wall surface incorporates a second material, such as stone, cultured stone, or masonry. An exception to this shall be made for homes clad entirely with stucco or a home that is well detailed. Wrapping building masses, expressing chimneys and detached columns in stonework adds visual interest. Use of bright, unfinished, colored, and reflective or mirrored surfaces or glass is not permitted. Concrete foundation walls shall not be exposed and shall be faced or finished to blend with the general architectural design of the building. On stepped foundations, maximum exposed vertical height is to be eighteen inches (18"). The maximum exposed width of wood lap siding is seven inches (7") of reveal. Siding shall be fiber cement, LP siding or stucco. No vinyl or Masonite siding will be allowed. Trim is required on all elevations. All driveways shall be constructed of concrete. Changes to driveway stain or color must be submitted to the DRC for approval and properly maintained if approved. A minimum twelve-inch (12") eave and fascia overhang is required, exclusive of gutters.

## 9. Fencing

Lot fencing shall conform to 6' privacy fence for lots 1-73 and a 4' (3) rail fence for lots 74-163. See Exhibit A for split-rail details. Materials for fence use are limited to wood (cedar or like). Fencing is to be stained with Behr Premium (ST-533 Cedar Naturaltone Semi-Transparent Waterproofing Exterior Wood Stain and Sealer). No gates shall be permitted on any rear lot fencing along Marksheffel.

Walk through access gates no larger than 42" in width are permitted along roads with direct access to sidewalks or open space. Walk through access gates will not be permitted across landscaped areas. The DRC will not approve any drive through gates. Fencing must be maintained in good condition.

## 10. Fire Pits / Chimineas / Fireplaces

Free Zone requirements apply. Gas or wood burning fire elements are allowed in contained units,



meant for such uses as cooking, or fire pits and must be supervised at all times. Fire containers are required to be a minimum of 15 feet from any structure or fence and must not exceed 5' in flame height. A minimum space of 10 feet in all directions from the fire ring shall be free of brush, tree trunks or any other combustible material. No open fires, bonfires, or unattended fires are allowed. El Paso County code and fire district regulations supersede any provisions in these Guidelines and must be followed at all times.

*11. Hot Tubs/Jacuzzis*

Free Zone requirements apply. They should be designed as an integral part of a deck or patio area and must be located in the side or rear yard. It must be installed in such a way that it is at least partially screened from adjacent properties.

*12. Irrigation Systems*

Irrigation systems must be installed in front yards. Plans must be submitted to the Committee for approval prior to installation of irrigation systems at the same time as the landscape plans are submitted for approval.

*13. Landscape Maintenance*

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal, and replacement of dead or dying plant material, elimination of weeds and undesirable grasses and removal of trash.

*14. Landscaping*

All portions of a Lot not improved with the home, driveway, walkways, patios or decks (referred to as the unimproved area of a Lot) shall be landscaped by the Owner; provided, however, that this obligation shall not apply to any Lots landscaped by Declarant, Builders, or their assignees. All landscaping shall be installed in accordance with landscaping plans submitted to and approved by the Committee, which plans shall be drawn to scale and shall set forth the location of landscaping, type of landscape materials, and be in accord with the requirements of this section. The Committee may impose a fee for review of landscaping plans and may require each Builder, at the closing of the Lot, to deposit funds which will be refunded when the landscaping and/or sprinkler system are installed in compliance with the Committee's approval. All yard ornaments will require Committee approval.

The front yard of each lot improved with a home shall be fully landscaped by the Builder or Owner, within 6 months after closing. After occupancy, the Owner shall install landscaping in the backyard and maintain the landscaping.

Free Zone. To minimize the review process on homeowners the DRC has created a Free Zone category which identifies landscape changes homeowners can make without going through the formal DRC review and approval process. The Free Zone includes the back yard and any space extending fifteen feet (15') or less from the foundation of the residence. Items covered by the Free Zone category and specific items not covered in the Free Zone category are identified below. Any landscape change not covered by the Free Zone category must go through the formal ACC review and approval process. Minimum landscaping standards must be met regardless of Free Zone landscape changes.

Items Covered in the Free Zone Category

Plant material and other landscape elements below five feet (5') in height at mature size. Planting trees in the backyard does not require DRC approval.

Items Not Covered in the Free Zone Category

Any type of fence construction or modification. Any landscape element, such as trellis or sculpture which exceeds five feet (5') in height.

A minimum of fifty percent (50%) of the front yard of each lot shall be landscaped utilizing living ground cover or contained planting bed installed with plants, flowers, or other living ground cover. The plants, flowers or other living ground cover must “fill” the bed and be pleasing to the eye. Living ground cover may consist of turf grass (sod) or drought tolerant vegetative landscapes. At least one (1) tree, which may either be a 1½ inch caliper deciduous tree or an evergreen tree of at least six (6) feet in height, must be planted in the front yard. A maximum of fifty percent (50%) of the front yard of each lot may be landscaped with a combination of non-living durable landscape materials and short-lived landscape materials. The front yard of each lot is defined as that area between the street and a line extended from the front corners of the home to each side lot line. If the landscaping plan includes an underground sprinkler system, it shall be installed at the time of initial landscaping. Builders shall install all irrigation systems and initial landscaping.

Xeriscaping shall be an acceptable method of landscaping, provided the design is part of an approved Master Plan or if submitted by an Owner, is approved by the Committee.

Xeriscaping means using native and adaptive plants that can grow and sustain themselves in dry natural conditions such as those in Colorado. Xeriscapes should need little to no water other than what is naturally occurring and tolerate heat and drought conditions. Since the passage of CRS 37-60-126, in 2016, Any section of a restrictive covenant that prohibits or limits the installation or use of drought tolerant vegetative landscapes, that section of the covenant shall be unenforceable. Under this law, the following xeriscape standards set guidelines for homeowners that decide to xeriscape in Windermere.

Turf area: Windermere will allow variances to the requirement for full green lawn (turf) areas, for 50% of available front yard space if the following xeriscape standards are met.

- 1) Ground Cover: If that variance is granted, yard areas can contain decomposed granite, ground hardwood mulch, crushed limestone, flagstone, or loose stone material for a ground cover that is maintained to prevent weed growth without using toxic or environmentally harmful chemicals. Large areas may not be composed of a single material, i.e., bare mulch/rock is not allowed unless interspersed with plants. Concrete surfaces should be limited to driveways and sidewalks only. Additionally, loose rock placed in the sidewalk strip area (between sidewalk and curb) and if used in the front lawn must not wash out onto the public sidewalk or street. This may be prevented by ensuring the rock level is lower than the curb.
- 2) Plant Bed Borders: Planted areas must be bordered to define beds. The areas that are not in outlined planted beds may be a drought tolerant ground cover such as some ivy varieties, a drought tolerant turf grass, or a flagstone or crushed stone courtyard. There must be borders in the yard that create visually appealing spatial relationships.
- 3) Maintenance: Sickly and dying plants must be removed or replaced. This can be prevented by using plants adapted to the pH soil conditions created by the non-turf materials used. E.G., don’t use acid loving plants along with crushed limestone covering, whereas acid loving plants would thrive with a ground hardwood mulch. Xeriscape areas must be maintained (plants kept trimmed and weeded) to ensure an attractive appearance. No plants may encroach on public sidewalks.
- 4) Decorative Objects: Hardscapes can include large boulders or other natural materials that are used as a part of the xerophytic landscape design. The Design Review Committee prefers to see natural colored rock and masonry. No boulders or large rocks exceeding 12” in height may be used in the sidewalk strip area.
- 5) Safety: For public safety, no plant with thorns, spines, or sharp edges can be used within 6’ of the public sidewalk.

Note: Owners are required to maintain all previously established drainage patterns as shown on the grading certificate.

### 15. Artificial Turf Guidelines

The areas for possible installation are for any existing “developed” landscaped areas on the lot, whether existing turf, mulch beds, rock beds, islands, etc. All owners must submit an DRC request prior to installation and receive approval before beginning any work. The request should include the following:

- A sample of the product including model name and style
- Complete product specification sheet from the manufacturer
- The manufacturer’s warranty on the product being submitted
- Photo(s) of the area to be covered by the artificial grass
- Proper drainage plan if required
- Photo(s) of proximity areas as well as description of the method of installation

#### General Guidelines:

- a) The design plan must incorporate natural curved boundaries where possible (avoid squares, rectangles, etc., except where the turf may abut the driveway or sidewalk). The turf may not be installed directly up to the foundation of the home, there must be a border of rock or mulch to separate the turf. The artificial grass product must be made of Polyethylene and have a minimum face weight of 50 oz. with a 20 oz. weight permanent backing.
- b) The color must be like the geographical area, as a blended, multi-color monofilament fiber and a minimum pile height of 1.5 inches.
- c) Front yard areas must retain a minimum of one (1) tree, which may either be a 1½ inch caliper deciduous tree or an evergreen tree of at least six (6) feet in height and a minimum of Five (5) 5-gallon bushes.
- d) Professional installation is required and must include a weed barrier and a properly prepared aggregate base for drainage. An infill system is required.
- e) Artificial grass must be cleaned as necessary and periodically groomed to maintain its appearance.
- f) The owner will inspect the turf annually after the expiration of the warranty period to ensure the aesthetic properties are maintained. The District may require replacement if there are signs of damage, lifting, unevenness, worn areas, fading, deterioration, etc.

### 16. Massing

The Committee will encourage designs that reduce building scale and increase individuality and diversity.

The walls of a building are an important part of its overall visual impact and should be carefully detailed. Exterior materials should be consistently used throughout the building. The connection from the walls to the foundation should be treated such that the foundation becomes a very minor element. Location, type and size of window openings should be carefully considered for effect on proportions, continuity, and illumination. Entries should be well articulated. Covered entries and recessed openings at doors and windows are strongly encouraged. Rear elevations shall have more than one plane/surface, exclusive of the roof.

Homes situated on highly exposed sites (i.e., corner lot, double fronted lot) need additional architectural features on the elevations that are highly visible.

## 17. Painting/Repainting

Committee approval is required for all exterior painting or repainting of the home and accessory improvements. Color themes are to be maintained throughout a builder's community and can only be altered with Committee approval. The submittal must contain the manufacturer's paint chips with name and code number. Approval will take into consideration, but not be limited to, the color tone and brightness, the home's architecture, stone or brick accents, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties. All exterior finishes should be subdued earth tones such as gray, green, brown, muted blues or other similar colors. White, primary colors, and other bright colors shall be permitted as accent colors only. Downspouts must be painted to match the body color of the home. Notwithstanding all of the above, if a project is proposed to the Committee that does not accommodate the above, but in the Committee's, opinion is acceptable, the Committee may approve it.

## 18. Retaining Walls

Retaining walls may be used to accommodate or create changes in grade. Walls must be properly anchored to withstand overturning forces and should incorporate weep holes into the wall design to permit water to be released behind them. Walls should not exceed four feet in height unless specifically approved and should be located so as to not alter existing drainage patterns.

The use of rock boulders, stone, and masonry is preferred. Timbers may be used subject to specific approval.

## 19. Roof Forms and Material

The roof form is the most prominent visual element of a home and central to define its architectural character. Therefore, the form and materials used to create a building's roof will be carefully reviewed by the Committee. Styles such as gable, hip and shed roofs will generally be acceptable for residential construction, while mansard, gambrel, flat and A-frame roofs are strongly discouraged. Care must be given when combining roof forms to maintain the integrity of the architectural forms. Well-detailed fascia and eaves treatment serve to frame the roof as a strong design element. Roofing materials must be considered with respect to harmony of color and texture with other materials on the home and adjacent properties. Minimum roof pitch is 6:12, except for covered decks and porches, which may be less. It is recognized by the Committee that new architectural designs may require alternative pitches in the design of roofs and will require Committee approval to be used at Windermere.

Concrete tiles or slates are acceptable materials for roofs. Composition shingles are acceptable as long as the product meets the following criteria:

Must be a minimum 30-year asphalt shingle  
Must weigh at least 240 lbs. per square  
Must be Class-A fire rated Dimensional or Architectural Shingles (no t-lock)

Unfinished and exposed metal detailing will not be allowed. If possible, flues and vents should be located out of view of the front of the home. Solar equipment must be screened, and skylights must be unobtrusive.

## 20. Seasonal Decorations

Seasonal decorations are permitted with the following qualifications and conditions: (i): Christmas decorations shall not be displayed prior to November 15 and must be removed by January 15 of the following year; (ii) other holiday decorations shall not be displayed more than 15 days prior to the celebrated holiday and shall be removed within one week after the celebrated holiday; (iii) no decorations shall be displayed in such a manner as to be offensive to the neighborhood or create a

public nuisance.

## 21. Trash (garbage) Containers, Enclosures and Pickup:

Refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind may not be kept, stored, or allowed to accumulate on any Lot except in sanitary containers or approved enclosures. Garbage and trash cans must be directly behind front fencing against the house or in an enclosure. The following enclosures can be used without prior DRC approval.

Custom built enclosure:



Store purchased enclosure:



No garbage or trash cans or receptacles shall be maintained in an exposed or unsightly manner (except that a container for such materials may be placed outside at such times as may be necessary to permit garbage or trash pickup.) Trash may be placed on the street for pickup after 4:00 p.m. the night before that such trash is to be picked up. Trash containers shall be properly stored the evening of pickup.

## 22. Yard Ornaments/ Flagpoles

Yard ornaments located in the front yard or in any other area of the Lot that can be viewed from the street or adjacent property, including but not limited to fountains, sculptures, statues, and banners require Committee approval. The location of yard ornaments in the front yard is discouraged. Flagpoles on Lots are subject to Committee approval for height and location and should be constructed of compatible building material with the home. Proper flag etiquette shall be exercised at all times. Please visit <http://www.usflag.org/flagetiquette.html> for more information.

### 23. Vehicles and Vehicular Parking

No bus, large commercial or construction type of vehicles shall be parked, stored or kept on any Lot except where reasonably necessary during construction of improvements or residences. No abandoned or inoperable vehicles shall be stored or permitted to remain unless fully enclosed within a garage. An “abandoned or inoperable vehicle” is one that has not been moved under its own power for more than one week or is incapable of being moved. Recreational vehicles and/or campers shall not be parked on the streets of the property or stored on any Lot unless fully contained within a garage. Notwithstanding the foregoing, recreational vehicles/campers may be parked upon the driveway of the Lot or upon the street immediately adjacent to the Lot for a period not to exceed forty-eight (48) continuous hours at a time; and no such parking shall be allowed which exceeds more than a total of six (6) days during a thirty (30) day period. Utility trailers shall not be parked on the streets of the property or stored on any Lot unless fully contained within a garage. If more time is required, please inform the Management Company in order to avoid a possible violation.

Parking upon any common area shall be regulated by the District. Parking on side-yards shall NOT be permitted.

The following may not be parked or stored within the community, unless such parking or storage is within the garage, or is otherwise exempted by Colorado law:

- Oversized vehicles, longer than a standard twenty (20) foot long driveway
- Commercial vehicles (not including work vehicles that are passenger cars or light duty trucks or vans)
- Trailers
- Camping trailers
- Boat trailers
- Hauling trailers
- ATV's or UTV's
- Snowmobiles
- Boats, or accessories thereto
- Self-contained motorized recreational vehicles; or
- Any other oversized types of vehicles or equipment as prohibited by rule or regulation.

The above may be parked as a temporary expedience (but not to exceed a forty-eight (48) hour period) for loading, delivery of goods or services or emergency. The Board may adopt rules and regulations regarding registration of such vehicles in order to enforce this restriction and the time limitations contained herein. This restriction shall not apply to commercial vehicles temporarily located within the community which are necessary for the construction or for the maintenance of any common elements or construction of new homes.

No parked vehicle may impede the safe and efficient use of the streets by residents, obstruct emergency access to/from the community, or interfere with the reasonable needs of other residents to use their driveway, the common drive or guest parking, if any. Street parking between 2 a.m. and 6 a.m. is prohibited except as noted above.

No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting, or servicing of any kind of vehicle, trailer or boat may be performed or conducted outside of garages. Minor repairs may be performed, provided they may be completed the day commenced, and all equipment and parts are removed upon completion of the work. No vehicles may be left unattended on jacks or jack stands.

Vehicles parked on public streets are subject to the parking regulations of El Paso County, and if any vehicle is parked in violation of such regulations, the Board may place a notice on the vehicle

specifying the nature of the violation and stating that after twenty-four (24) hours the vehicle will be reported to El Paso County for further action.

## H. IMPROVEMENTS EXEMPT FROM COMMITTEE APPROVAL

---

### 1. Interior Alterations

Alterations to the interior of the residence may be done if the outside appearance of the structure is not visually affected.

### 2. Repairs to a Previously Approved Residence

Repairs or modifications to the exterior of a residence are only exempt if they are in compliance with previously approved drawings and specifications.

### 3. Materials Added to Approved Landscaping

Adding plant or other materials in compliance with a previously approved landscape plan, or consistent with the landscaping installed by the Builder. Free Zone requirements apply.

### 4. Play and Sports Equipment

Play and sports equipment (i.e., trampolines, swing sets, etc.) must be placed so as to minimize its visual impact from adjacent properties. Play equipment should typically be located in rear yard areas and set back a minimum of five (5) feet from property lines.

The location of play equipment shall not create an undue disturbance to neighboring properties. Play equipment shall be of predominantly muted, earth tone colors and shall not exceed eight (8) feet in height unless otherwise approved by the Committee. Play equipment or items used for front yard play must be stored out of view when not in use.

Basketball backboards located in front of houses must either be permanently mounted on a pole on the exterior side of the driveway approximately halfway between the sidewalk and the front of the residence or if the temporary type must be removed nightly and must be stored either at the top of the driveway or behind a fence in a prone position.. Backboards may not be located along any sidewalk or street. Backboards attached to a residence are not permitted in front yards. Backboards are not permitted in side yards unless for storage in a prone position. Backboards located in rear yards must be set back a minimum of 10 feet from the property line.

### 5. Satellite Dishes/Antennae

In compliance with the Telecommunications Act of 1996, one satellite dish/antennae that measures one meter or less in diameter may be installed on a Lot without prior Committee approval, subject to the following conditions:

- To the extent feasible, the satellite dish/antennae shall be placed in the rear or side yard in such a manner that it is screened from adjacent street(s) and neighboring properties.
- The satellite dish/antennae shall be installed at the lowest possible placement, utilizing ground level sitting (unless a signal is not attainable).
- The satellite dish/antennae shall match the surrounding environment in color or be screened with a reasonable number of plantings to minimize its visual impact to the immediate area.

A satellite dish or antennae that measures more than one meter (37 inches) in diameter will require Committee approval prior to installation.

#### 6. Solar Energy Devices “Solar Panels”

In compliance with C.R.S. 38-30-168, solar panels are allowed to be installed without prior Committee approval. They should be kept in good repair and should be replaced within 45 days of damage by hail or other weather conditions.

## I. CONSTRUCTION PERIOD REGULATIONS

---

In the interest of all Builders and Owners, the following regulations shall be applicable and enforced during construction periods. All Builders and Owners shall abide by these regulations.

#### 1. OSHA

All applicable OSHA regulations and guidelines must be strictly observed at all times.

#### 2. Construction Hours

Construction hours shall be between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

#### 3. Construction Access

Declarant or the Committee may designate specific access points for exclusive and limited use by construction vehicles.

#### 4. Debris and Trash Removal

Regular cleanup of construction sites is mandatory. All trash and debris shall be stored in a commercial trash container and shall be removed from the trash disposal area on a weekly basis or when full. All soil and debris flowing into the street(s) or open spaces from the construction site shall be cleaned as needed. If sites are not kept in a clean manner, a penalty or fine for failure to do so may be assessed. During the construction period, Builders/Owners shall be responsible for all erosion control on the site.



## 5. Restoration and Repair

Damage to any property other than the Lot upon which construction is occurring shall be promptly repaired at the expense of the Builder, Owner, or other Person causing the damage.

## 6. Prohibited Uses and Activities

The following items are prohibited:

- Concrete equipment cleaning or concrete dumping shall be confined to the home site and all concrete and debris shall be removed prior to completion of the home.
- Removal of any rocks, trees, plants, or topsoil from any portion of the Lot or Property without prior Committee approval.
- Careless use of cigarettes or flammable items.
- Driving across any open space or non-designated construction areas.

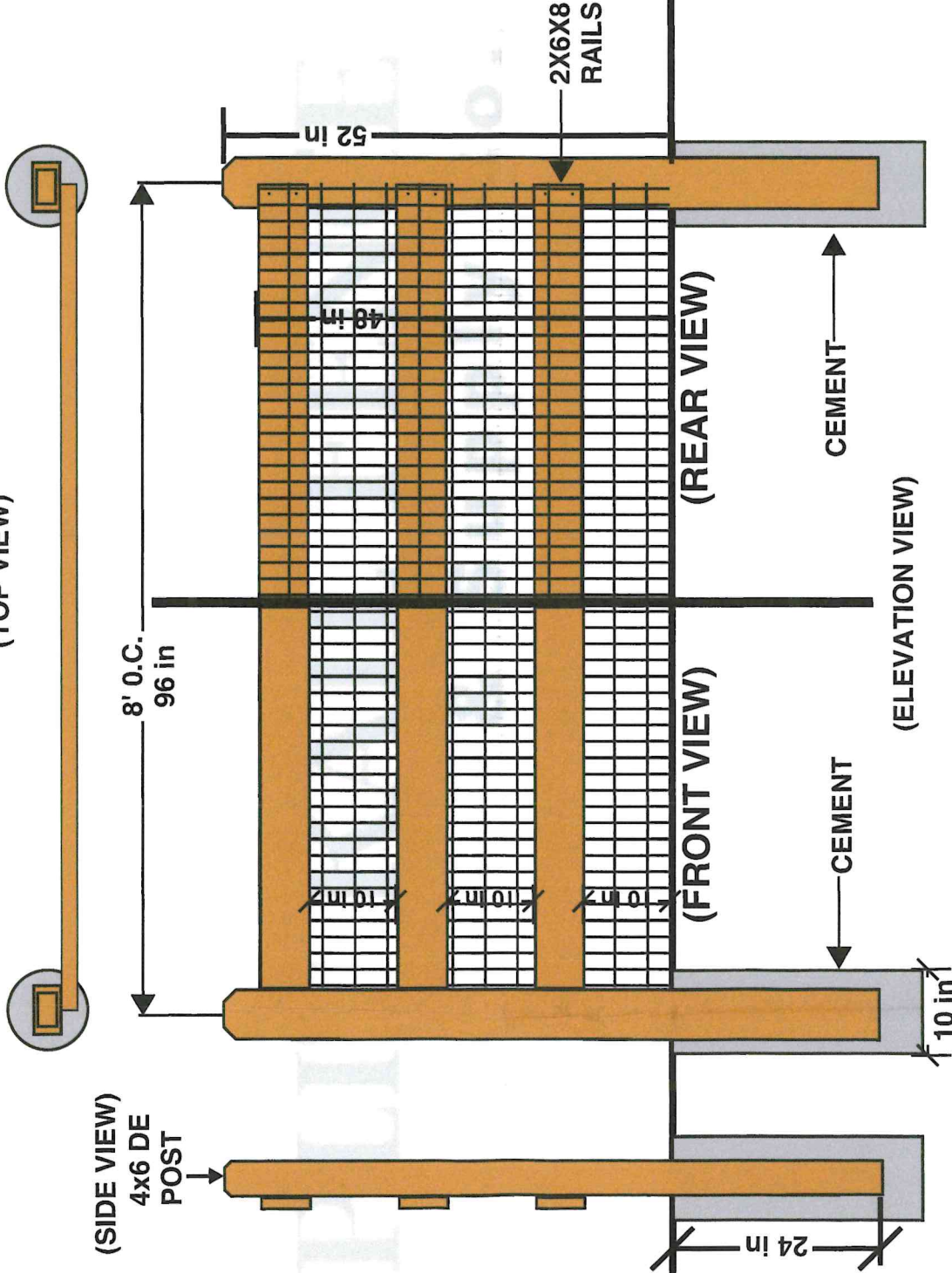
**PROJECT NAME:**

**DESCRIPTION:**

**KEY NOTES**

EXHIBIT  
"A"

(TOP VIEW)



CHECK LIST

1. POSTS  
SIZE: 4x6x6 1" CHAMFER  
(WDX00063)  
GRADE: 52"  
REVEAL:  
STYLE: DE
  2. RAILS  
SIZE: 2x6x8  
#: 3 (WDX00038)  
NAILS:
  3. PICKETS  
SIZE:  
#: SPACING:  
BATT:  
NAILS:
  4. TOP CAP  
SIZE:
  5. FASCIA  
SIZE:
  6. WOOD TYPE  
RS WRC
  7. STAIN  
TYPE:
  8. FOOTER  
DEPTH: 24"  
WIDTH: 10"  
CONCRETE: Y  
DRILLING?:
  9. SPECIFY FRONT AND BACK VIEW
- COMMENTS: 2X4 48" WELD WIRE  
ON FACE OF RAILS (WDX00148)

**NOTE: GRADE MAY CHANGE DUE TO GRADE VARIANCE**

**ALLOW FOR 2" CLEARANCE ON NON-LANDSCAPED GROUND**

**SCALE**  
**4.9825" = 8'**

PAGE  
1 OF 1



SPLIT RAIL FENCE COMPANY & SUPPLY  
LITTLETON, COLORADO 80125  
jrabinoff@splitrailfenceco.com 303-791-1997

Drawn: BEN RABINOFF  
File: 3/28/2019

**LINE OF FENCE** 4' (3) RAIL 4X6 W/1" CHAMFER AND 2X6 RAILS. WELD WIRE ON FACE OF RAILS