

**LEYDEN ROCK METROPOLITAN DISTRICT**

**SPECIAL MEETING**

Via Teleconference

Wednesday, May 18, 2022 at 6:00 P.M.

<https://leydenrocklife.com/>

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Scott J. Plummer, Secretary	Term to May 2023
Brett Vernon, Treasurer	Term to May 2023
Christian Ardit	Term to May 2025
Tanis Batsel Stewart	Term to May 2025
Jeffrey Cunningham	Term to May 2025

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*This meeting can be joined through the directions below:*

Join Zoom Meeting

<https://us06web.zoom.us/j/82708356808?pwd=YTc0RHhzRFJmRUw5dTh4VkhyUGtGUT09>

Meeting ID: 827 0835 6808

Passcode: 773072

Phone: 720-707-2699

**NOTICE OF SPECIAL MEETING AND AGENDA**

1. Call to Order/Declaration of Quorum
2. Director Conflict of Interest Disclosures
3. Approval of Agenda
4. Consent Agenda
  - a. Approval of Minutes from April 29, 2022 Regular Meeting (**enclosure**)
5. Public Comment – Members of the public may express their views to the Board on matters that affect the District on items not otherwise on the agenda. Comments will be limited to three (3) minutes per person.
6. Discussion and Approval of Amended and Restated Residential Improvement Guidelines and Site Restrictions (**enclosure**)
7. Director Matters
8. Other Business
9. Adjourn

**2022 Regular Meetings**

February 15; March 22; April 26; June 7; July 19; August 23; October 4; November 15 at 6:00 p.m. at the Leyden Rock Clubhouse located at 17685 W. 83rd Drive, Arvada, Colorado, or if necessary, via teleconference.

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, April 26, 2022 at 6:00 P.M. via  
Teleconference

**Attendance**

The regular meeting of the Board of Directors of the Leyden Rock Metropolitan District, was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve on the Board, were in attendance:

Timothy Blake Rogers  
Scott J. Plummer  
Brett Vernon

Director C. Regan Hauptman and Director Cavanaugh were absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present: Megan J. Murphy, Esq. and Erin K. Stutz, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Alex Fink, CliftonLarsonAllen, LLP, Accountant; Ben Smith, District Manager, Katie Call, Operations Coordinator, and Christine Ahern, Lifestyle Coordinator, CCMC; and members of the public.

**Call to Order**

It was noted that a quorum of the Board was present and the meeting was called to order.

**Conflict of Interest  
Disclosures**

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Murphy noted that a quorum was present and inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The Board determined that the participation of the

members present was necessary to obtain a quorum or to otherwise enable the Board to act.

**Agenda**

The Board reviewed the agenda as presented. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

**Consent Agenda**

Following a summary by Ms. Murphy, the items on the consent agenda were ratified or approved in one motion duly made and seconded and unanimously carried:

- Minutes from March 29, 2022 Regular Meeting;
- Independent Contractor Agreement with Peak One Pool & Spa for Pool Maintenance;
- Independent Contractor Agreement with Mile High Pools LLC for Pool Gate Monitor; and
- Amended and Restated Resolution Establishing Architectural Review Committee.

**Public Comment**

None.

**Committee Reports**

Consider Approval of Amended and Restated Resolution Establishing Landscape Committee

Ms. Murphy presented the Amended and Restated Resolution Establishing Landscape Committee. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Resolution.

Appointment of Members to the Landscape Committee

Mr. Smith presented the Board with the names of the Landscape Committee. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the appointment of the following people to the Landscape Committee:

1. Tanis Batsel Stewart
2. Lynn Shelton
3. Christian Ardita
4. Diane Mangam
5. Pam Hill
6. Carolyn Rowe
7. Debbie Dalton
8. Lise Coleman
9. Julie Pappas
10. Gregg Schuster
11. Linda Marquez
12. Brian Saulino

### 13. Melissa Flygare

Consider Approval of Resolution Establishing Finance and Budget Committee

Ms. Murphy presented the Resolution Establishing Finance and Budget Committee. Director Vernon noted that he is not in favor of establishing this committee. Following discussion, the Board determined to defer this resolution.

Appointment of Members to the Finance and Budget Committee

Deferred.

#### **Director Matters**

Discussion Regarding of approval of Exterior House Painting

Director Plummer requested clarification on the approval process for exterior house painting. Mr. Smith noted that a software called SmartWebs will field questions to Lee Design Group. Mr. Smith will work to transition on the approval process to Lee Design Group. The Board determined all exterior paint changes will be reviewed by Lee Design Group and are subject to a \$75 fee with the exception of residents who will repaint their house the same color as before. The Board discussed removing paint color schemes from the Guidelines. The Board determined to keep color schemes and allow flexibility to go outside the scheme subject to approval. CCMC to work discuss review costs for paint requests outside the color scheme. Following discussion, upon a motion duly made and seconded, the Board unanimously waived the \$75 fee for the six pending applications as of the date of the meeting and required all applications filed thereafter will be subject to a \$75 fee with the exception of residents who will repaint their house the same color as before.

Discussion Regarding Ruts on Culebra Drive

Director Plummer noted ruts on Culebra Drive. CCMC will investigate the repairs needed to these areas.

Discussion Regarding Homes Near Daybreak Park

Director Plummer noted that a portion of the hardscape near the homes by Daybreak Park has water runoff. CCMC will investigate the issue.

Demonstration Gardens

Ms. Tanis-Batsel Stewart presented a funding request for all four demonstration gardens totaling \$21,790.82. Director Rogers is not in support of volunteers providing labor and using non-District water. The Board engaged in discussion regarding the proposals from the Landscaping Committee. CCMC to obtain irrigation installation proposals for the gardens from Keesen Landscape. Following discussion, upon a motion duly made and seconded,

the Board unanimously approved funding request not to exceed \$9,000 with Director Vernon's final approval of contracts and any modifications.

Discussion Regarding  
Landscape Budget

Director Vernon noted there were existing improvements on Leyden Rock Drive with annual plants that may or may not in the current landscape maintenance contract. CCMC will obtain maintenance proposals from Keesen Landscape.

Lights Behind Monument at  
Leyden Rock Drive and W.  
82<sup>nd</sup> Avenue

Director Vernon noted that the lights behind the monument on Leyden Rock Drive and W. 82<sup>nd</sup> Avenue shine into homes in that area. CCMC will investigate repositioning the lights.

### **Financial Matters**

Consider Approval of Claims

Mr. Fink presented the Approval of Claims. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the claims in the amount of \$18,076.10.

Consider Approval of  
Financial Statements

Mr. Fink presented the financial statement dated March 31, 2021 and the schedule of cash position dated March 31, 2021 and updated as of April 20, 2022. Following discussion, upon a motion duly made and seconded, the Board approved the financial statements and the schedule of cash position.

Discuss Capital Requisition  
Process

Mr. Fink engaged in discussion with the Board regarding the process to requisition funds from the Project Fund. No action taken.

Discuss and Approve  
Implementation of Bill.Com  
for Accounts Payable  
Processing

Mr. Fink presented Bill.Com for Accounts Payable Processing. Following discussion with matter was deferred until the special meeting on May 31, 2022.

### **District Management Matters**

District Manger Report

Mr. Smith presented the District Manager Report. No action taken.

Discussion Regarding  
Capital Projects

Mr. Smith presented information regarding Capital Projects. Mr. Smith noted that he is meeting with City Staff every other week to have an updated process from the City regarding outstanding projects. The Architerra Group, Inc. and the City of Arvada are working on community outreach and inventory of District property to see what projects can be completed. Director Vernon and Director Plummer request to be more involved in the process

with The Architerra Group, Inc.

Other Management Matters Director Plummer asked CCMC to reach out to Weed Wranglers regarding granular weed control that may be available in the Spring.

**Public Comment** Upon request from the public, the Board reopened public comment.

Mr. Ardita noted he is excited for the upcoming election.

Mr. Nix thanked Director Rogers for what he has done and discusses the issue of water near the Ping Pong Park.

Ms. Heinlein noted that money is being saved on flowers in the gardens without consideration to the long-term maintenance costs and noted her observations of the impact to the native grasses in the area. Director Vernon noted that he would like to roll garden maintenance into the existing landscape maintenance costs at no additional cost to the District.

Ms. McCombs noted that plants for the gardens were ordered and planning for the gardens had to catch up. Ms. McCombs suggests planting the plants ordered for the gardens in existing landscape areas and spend the summer developing the gardens for planting in the fall.

Mr. Cunningham noted that he believes there should be a Board member on the Budget Committee.

Executive Session Upon motion of Director Vernon, seconded by Director Plummer, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 8:21 P.M. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pursuant to § 24-6-402(4)(e), C.R.S. related to the Alcohol Use in the Clubhouse.

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of the District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

Also pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

The Board reconvened in regular session at 8:50 p.m.

**Legal Matters**

Consider Approval of Letter to City Manager Regarding Alcohol Use in Clubhouse Ms. Murphy presented the Letter to City Manager Regarding Alcohol Use in Clubhouse (the “**Letter**”). Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Letter.

Consider Approval of Updated Pool and Clubhouse Use Policy Ms. Murphy presented the Updated Pool and Clubhouse Use Policy to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Update Pool and Clubhouse Use Policy subject to approval by the City Manager as related to the Letter.

Other Legal Matters None.

**Other Business** Ms. Murphy provided an update on the May 3, 2022 Election.

**Adjournment** There being no further business to come before the Board and following discussion and upon motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 18<sup>th</sup> day of May, 2022.

**Attorney Statement:**

ATTORNEY STATEMENT  
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Leyden Rock Metropolitan District, I attended the executive session at the regular meeting of Leyden Rock Metropolitan District convened at 8:21 p.m. on April 26, 2022 for the sole purpose receiving legal advice as it relates to the Alcohol Use in the Clubhouse and pursuant to § 24-6-402(4)(e), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

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Megan J. Murphy, Esq.



**RESIDENTIAL  
IMPROVEMENT GUIDELINES  
AND SITE RESTRICTIONS FOR**

**LEYDEN ROCK  
METROPOLITAN DISTRICT**

REVISED APRIL 26, 2022

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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 living in the Leyden Rock Community (the “Community”) in implementing landscaping and other Improvements to their property. The Covenants and Restrictions of Leyden Rock (the “Covenants”) require prior approval from the Architectural Review Committee (the “ARC”) before the construction, erection, placement, alteration, planting, application, installation, or modification of any Improvement upon any Unit shall be made. In order to assist Owners, the ARC desires to establish certain pre-approved designs for several types of Improvements and to exempt certain Improvements from the requirement for approval. This booklet contains the guidelines established by the ARC with respect to property subject to the Covenants, which guidelines have been approved by the governing board of Leyden Rock Metropolitan District (the “District”), as provided in the Covenants. Your property may also be subject to regulation by a separate homeowners association. Owners are also responsible for compliance with any other documents applicable to their individual neighborhood.

Some types of Improvements may fall under one or more heading in these Guidelines. Make sure that your proposed Improvement complies with the requirements in all categories, or that it is clear you are seeking to install an Improvement in a manner that is not within the scope of one of the headings (e.g., Yard Ornaments, Birdhouses, and Statues).

## **1.2 Definitions**

All capitalized words and phrases used in these Guidelines have the same meaning as provided in the Covenants unless otherwise specifically defined in these Guidelines. For ease of reference, “Improvements” are all exterior improvements, structures, and any appurtenances thereto or components thereof of every type or kind, and all landscaping features, including buildings, outbuildings, swimming pools, hot tubs, satellite dishes, tennis courts, patios, patio covers, awnings, solar collectors, painting or other finish materials on any visible structure, additions, walkways, sprinkler systems, garages, driveways, dog runs, fences, including gates in fences, basketball backboards and hoops, swingsets or other play structures, screening walls, retaining walls, stairs, decks, landscaping, hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, groundcover, exterior light fixtures, poles, signs, exterior tanks, and exterior air conditioning, cooling, heating and water softening equipment, if any.

## **1.3 Contents of Guidelines**

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

#### 1.4 Architectural Review Committee or Representative

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

#### 1.5 ARC Contact Information

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

COMPANY NAME	OFFICE	E-MAIL
CCMC 17865 W. 83 <sup>rd</sup> Drive Arvada, CO 80007	(303) 423-0270	cbarkley@ccmcnet.com

#### 1.6 Effect of Covenants

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

Approval by the ARC does not constitute any assurance that such improvement complies with any additional governing documents or other rules issued by a homeowners association and applicable to a particular Lot.

#### 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 Jefferson County and the City of Arvada for further information and requirements for Improvements they wish to make.

**APPROVAL BY THE ARC DOES NOT CONSTITUTE ASSURANCE THAT IMPROVEMENTS COMPLY WITH APPLICABLE GOVERNMENTAL REQUIREMENTS OR REGULATIONS OR THAT A PERMIT OR APPROVALS ARE NOT ALSO REQUIRED FROM APPLICABLE GOVERNMENTAL BODIES.**

**OWNERS ARE RESPONSIBLE FOR OBTAINING ANY REQUIRED PERMITS FROM APPLICABLE GOVERNMENTAL BODIES AND FOR COMPLIANCE WITH ALL APPLICABLE GOVERNMENTAL REQUIREMENTS OR REGULATIONS.**

#### 1.8 Interference with Utilities

In making Improvements to property, Owners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Owners should not construct any Improvements over such easements without the consent of the utility involved, and Owners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting:

**Utility Notification Center of Colorado  
1-800-922-1987**

## **1.9 Goal of Guidelines**

Compliance with these Guidelines and the provisions of the Covenants will help preserve the inherent architectural and aesthetic quality of the Community. It is the responsibility of the ARC to ensure that all proposed Improvements meet or exceed the requirements of these Guidelines and to promote the highest quality design for the neighborhood. It is important that Improvements to property be made in harmony with and not detrimental to the rest of the Community. A spirit of cooperation with the ARC and neighbors will go far in creating an optimum environment, which will benefit all Owners. By following these Guidelines and obtaining prior written approval for Improvements to property from the ARC, Owners will be protecting their financial investment and will help insure that Improvements to property are compatible with standards established for the Community. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Guidelines, the ARC's interpretation shall be final and binding.

## **2 PROCEDURES FOR ARC APPROVAL**

### **2.1 General**

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

### **2.2 Drawings or Plans**

Owners are required to submit to the ARC a completed Architectural Review Request Form ("ARR"), which forms are available from the person or entity listed in Section 1.5, and complete plans and specifications, in duplicate (and submitted in hard copy), (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 driveways, general plan of landscaping, fencing, walls, windbreaks, and grading plan, as well as such other materials and information as may be required), and receive written approval of the same from the ARC, prior to commencement of work on any Improvement



to property. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, a landscape architect, or draftsman, and a simple drawing with dimensions and description will be sufficient, but the ARC will notify an Owner if additional materials must be submitted. In the case of major improvements, such as room additions, structural changes or accessory building construction, detailed plans, and specifications, prepared by a licensed architect, may be required. Whether done by the Owner, or professionally, the following guidelines should be followed in preparing drawings or plans:

- A. The drawing or plan should be done to scale and shall depict the property lines of your Unit and the outside boundary lines of the home as located on the Unit. If you have a copy of an improvement survey of your Unit obtained when you purchased it, this survey would be an excellent base from which to start.
- B. Existing Improvements, in addition to your home, should be shown on the drawing or plan and identified or labeled. Such existing Improvements include driveways, walks, decks, trees, shrubs, fences, flowerbeds, hardscape areas, etc. The proposed Improvements should be shown on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed Improvement, including the materials to be used and the colors. For Example: Redwood deck, ten (10) feet by twelve (12) feet with two inch by four inch (2"x4") decking and natural stain.
- C. The plan or drawing and other materials should include the name of the Owner, the address of the home, the lot, block and filing number of the Unit, and the e-mail address and telephone number where the Owner can be reached.
- D. The proposed Improvements must take into consideration the easements, building location restrictions and sight distance limitations at intersections. Owners should review the recorded plat for this information.
- E. Owners should be aware that many Improvements require a permit from Jefferson County or other governmental entity. The ARC reserves the right to require a copy of such permit as a condition of its approval.
- F. In some instances, elevation drawings of the proposed Improvement will be required. The elevation drawings should indicate materials.
- G. Photographs of existing conditions and of proposed materials and colors are encouraged to be included, and are helpful to convey the intended design, but should not be used solely to describe the proposed changes.

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

Two copies of the drawing or plans (minimum acceptable size 8.5" x 11") must be submitted to the ARC along with a completed ARR. Color photographs, brochures, paint swatches, etc. will help expedite the approval process. Specific dimensions and locations

are required. The ARR and supporting documentation must be submitted in hard copy, and the Owner may also provide an electronic copy to the ARC.

Any costs incurred by the ARC for review of submittals shall be borne by the Owner and shall be payable prior to final approval. Any reasonable engineering consultant fees or other fees incurred by the ARC in reviewing any submission will be assessed to the Owner requesting approval of the submission.

## **2.4 Action by ARC**

The ARC will meet as required to review plans submitted for approval. The ARC may require submission of additional information or material, and the request will be deemed denied until all required information and materials have been submitted. The ARC will act upon all requests in writing within forty-five (45) days after the complete submission of plans, specifications, and other materials and information as requested by the ARC. If the ARC fails to review and approve in writing (which may be with conditions and/or requirements) or disapprove, a request for architectural approval within forty-five (45) days after the complete submission of the plans, specifications, materials, and other information with respect thereto, such request is deemed approved by the ARC. A submission is not deemed "complete" if the ARC requests additional or revised drawings, plans, or other information. No rights of appeal are permitted.

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

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

## **2.6 Completion of Work**

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

## **2.7 Notice of Completion**

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

## **2.8 Inspection of Work**

The ARC, or its duly authorized representative, shall have the right to inspect any Improvement at any time, including prior to or after completion, in order to determine whether or not the proposed Improvement is being completed or has been completed in compliance with the approval granted pursuant to this Section.

## **2.9 Notice of Non-Compliance**

If, as a result of inspections or otherwise, the ARC determines that any Improvement has been done without obtaining all required approvals (which may be with conditions and/or requirements), or was not done in substantial compliance with the approval that was granted, or has not been completed by the Completion Deadline, subject to any extensions of time granted pursuant to Section 2.6 hereof, then the ARC shall notify the District of the non-compliance, and the District shall then notify the applicant in writing of the non-compliance (the "Notice of Non-Compliance"). The Notice of Non-Compliance shall specify the particulars of the non-compliance.

## **2.10 Correction of Non-Compliance**

If the ARC determines that non-compliance exists, the Person responsible for such non-compliance shall remedy or remove the same within not more than forty-five (45) days from the date of receipt of the Notice of Non-Compliance. If such Person does not comply with the ruling within such period, the ARC shall notify the District, and the District may, at its option, record a notice of non-compliance against the Unit on which the non-compliance exists, may impose fines, penalties and interest, may remove the non-complying Improvement, or may otherwise remedy the non-compliance, and the Person responsible for such non-compliance shall reimburse the District, upon demand, for all costs and expenses, as well as anticipated costs and expenses, with respect thereto.

## **2.11 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 ARC, with the approval of the Person authorized to appoint the ARC, as changing conditions and/or priorities dictate.

## **2.12 Questions**

If you have any questions about the foregoing procedures, feel free to contact the ARC at

the phone number and address listed in the Section 1.5 of these Guidelines.

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

#### **3.1 General**

The following is a listing, in alphabetical order, of a wide variety of specific types of Improvements which Owners typically consider installing, with pertinent information as to each. Unless otherwise specifically stated, drawings or plans for a proposed Improvement must be submitted to the ARC and written approval of the ARC obtained before the Improvements are made. In some cases, where it is specifically so noted, an Owner may proceed with the Improvements without advance approval if the Owner follows the stated guideline. In some cases, where specifically stated, some types of Improvements are prohibited. ARC review and approval is required on any external items not be listed below.

##### **3.1.1 Variances**

Approval of any proposed plans by the granting of a variance from compliance with any of the provisions of these Guidelines is at the sole discretion of the ARC when practical difficulties such as topography, natural obstructions, hardship, or environmental considerations may require a variance to prevent unnecessary hardship. Any such variance granted is limited to the specific property, provision, and instance covered by the variance, and does not waive any of the terms and provisions of the Covenants or these Guidelines as to any other Owner, Lot, or Unit. A variance from the Covenants or these Guidelines is not a variance as to the requirements of any other entity with jurisdiction of the Lot or Unit.

##### **3.1.2 No Unsightliness**

All unsightly conditions, structures, facilities, equipment, and objects, including snow removal equipment and garden or maintenance equipment, when not in actual use, must be enclosed within a structure or screened from other Units and rights of way in a manner approved by the ARC.

##### **3.1.3 Waivers; No Precedent**

The approval or consent of the ARC to any application for approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent as to any application or other matters whatsoever, as to which approval or consent may subsequently or additionally be required. Nor shall any such approval or consent be deemed to constitute a precedent in any other matter. Each property is unique and is subject to individual review and consideration, but in no cases with the ARC act in a manner that is arbitrary, capricious, or discriminatory.

##### **3.1.4 Liability**

The Metropolitan District, ARC, and the officers, directors, and members thereof shall not

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 Metropolitan District nor the ARC 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 ARC will not make any investigation into title, ownership, easements, rights-of-way, or other rights appurtenant to property with respect to architectural requests and shall not be liable for any disputes relating to the same.

### **3.2 Accessory Buildings**

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

- A.** “Accessory Buildings” include, by way of example and not limitation, storage sheds, garages, greenhouses, and gazebos. Playhouses and play structures are not considered Accessory Buildings. Chicken coops are not permitted.
- B.** 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. Accessory Buildings shall not be more than ten (10) feet by ten (10) feet, and shall not be more than eleven (11) feet high at the peak. The roof pitch must be complementary to the existing roof on the home, unless otherwise approved by the ARC. Accessory Buildings must be permanent in nature.
- C.** Siding, roofing, and trim materials must match those on the home, unless otherwise approved by the ARC. Metal, plastic, PVC, and other materials not consistent with original construction by the Builder are not permitted. TREX and engineered composite wood type products consistent with original Builder construction are permitted.
- D.** Smaller Units may not have a suitable location for an Accessory Building. In any case, no more than one (1) Accessory Building and one (1) playhouse (see Section 3.48, Playhouses) shall be permitted per Unit.
- E.** The ARC, in reviewing and approving or denying an application for approval of an Accessory Building, shall take into consideration lot size, square footage of the home, the existing grading, fence locations, landscape screenings, etc.
- F.** Any utilities serving the Accessory Building shall be underground.
- G.** All setbacks required of the home must be observed when placing Accessory Buildings. A copy of the home’s plot plan filed with the location of the proposed accessory building is required with the ARR.

### **3.3 Additions and Expansions**

Approval is required. Additions or expansions must be constructed of wood, masonite, glass, brick, stone, or other material as used in construction of the exterior of the home. The design must be the same or generally recognized as a complementary architectural style and meet all design guidelines as may be applicable. Colors must be the same as that of the residence. Patios may not be more than twenty five percent (25%) of the entire rear yard of the Unit unless otherwise approved by the ARC.

### **3.4 Address Numbers**

Approval is required to replace, alter or relocate existing address numbers, unless the address numbers are replaced using the same style, color and type of number currently on the residence.

### **3.5 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 located in the same location as the equipment being replaced.

No heating, air conditioning, air movement (e.g., swamp coolers) or refrigeration equipment shall be placed or installed on rooftops, or extended from windows. Ground mounted or exterior wall air conditioning equipment installed in the side yard must be installed in a manner so as to minimize visibility from the street and minimize any noise to adjacent property Owners.

### **3.6 Antennae/Satellite Dishes**

#### **3.6.1 General Provisions**

Installation of Permitted Antennas in compliance with this section shall not require the approval of the ARC, so long as the installation complies with the following requirements. "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.

**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 Units 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 Unit 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.

### **3.6.2 Installation of Antennae/Satellite Dishes**

**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 without the prior approval of the ARC.

### **3.7 Artificial Turf.**

Approval is required. Artificial turf is only allowed in back yards. The turf must be sufficiently screened and/or buffered along the perimeter of the property (depending on the specific conditions of the Lot) in order to minimize visibility from the street or any common areas. Adequate base/drainage must be provided under the turf surface, and a plan showing the turf installation area and proposed drainage plan must be provided with the ARR. A 12" x 12" sample of the proposed artificial turf, together with product name, manufacturer, and component information supplied by the manufacturer, along with any material or use warnings that apply to the product must be provided with the ARR. If approved, artificial turf must be maintained in an attractive and slightly condition, and not allowed to fade, crack, or otherwise fall into disrepair. If artificial turf is not maintained in accordance with community standards, the Owner will be required to remove and replace the turf with new product, natural turf, or such other landscaping as may be proposed by the Owner and approved by the ARC.

### **3.8 Awnings**

Approval is required. Awnings should be an integral part of the house or patio design. The color shall be complimentary to the exterior of the residence.

See Section 3.40, Overhangs/Sunshades/Awnings – Cloth or Canvas.

### **3.9 Backyard Sport Pads.**

Approval is required. Backyard, concrete pads for “sport” type courts must be approved by the ARC. The ARC will consider backyard sport courts based on pad size, Unit lot size and proximity to other Units. Sport equipment installed or stored on or around the pad must be maintained at all times in a neat and clean manner. The ARC may require drainage or grading certificates to be submitted with the ARR for a backyard sport pad.

### **3.10 Balconies**

See Section 3.18, Decks.

### **3.11 Barbecue/Gas Grills**

Approval is not required. All barbecue grills, smokers, etc. must be stored in the rear yard or within an enclosed structure, not visible from the front of the home.

### **3.12 Basketball Backboards**

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

- A. Portable units cannot be placed in the public rights of way, streets, 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 consecutive hours.

D. Permanent garage or pole mounted basketball hoops are not permitted.

### **3.13 Birdbaths**

Approval is not required, subject to the following limitations. Placement in front or side yard is not allowed. Birdbaths are only permitted in the rear yard.

See Section 3.67, Statues or Fountains.

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

Approval is not required, subject to the following limitations. If installed in the rear yard and the size is limited to one foot by two feet, no approval is required. No more than three of each of a birdhouse or bird feeder shall be installed on any Unit, but no birdhouses or bird feeders may be installed in a manner that creates a nuisance. Birdhouses or bird feeders may be mounted on a pole, provided the pole shall not exceed five (5) feet in height.

### **3.15 Carports**

Approval will not be granted.

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

Approval is not required, subject to the following limitations. 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.

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

See Section 3.40, Overhangs/Sunshades/Awnings – Cloth or Canvas.

### **3.18 Decks**

Approval is required. The deck must be harmonious (in configuration, detail, material, and color) with the architecture of the house. Modifications or additions to Builder installed decks must incorporate the same materials, colors, and detailing as the Builder's or approved existing deck. TREX or similar engineered composite wood type products are

the preferred material for construction. Plastic, PVC, or similar materials are prohibited.

Owners are responsible for obtaining any and all required governmental permits, and complying with all applicable building codes and regulations.

The deck should be located so as not to create an unreasonable level of noise for adjacent property Owners. Decks shall be set back at least 8 feet from the rear property line and at least 3 feet from the side property lines, or such greater setbacks as may be required by other entities.

Changes in grade or drainage pattern must not adversely affect adjoining properties and shall comply with drainage change requirements of the Covenants.

Upper-level decks shall be attached directly to the house. Only ground level decks may be approved as freestanding decks. Decks shall not extend beyond the Unit boundaries into any common area or other Unit. Depending on Unit location and orientation, decks should not project beyond the side walls of the house. The side walls of the house are defined as the major (structural) side walls and do not include bay windows, chimney enclosures, porches or other such projections. In certain situations, stairs and some portions of the deck may extend up to 4' beyond the side walls.

A solid trim board shall be provided on any open side of the deck to conceal the joists and cut ends of the decking. Underdeck screening should be compatible with the architecture of the house and deck. Any lattice must be properly framed and recessed.

Railings and other features such as privacy screens for attached housing must match the approved Builder design.

### **3.19 Dog Houses**

Approval is required. Dog houses are restricted to ten (10) square feet and must be located in a fenced back yard or dog run. Dog houses must be installed at ground level, and must not be visible above the fence. Dog houses must also match the colors and materials of the exterior of the home. Limit of one dog house per Unit.

### **3.20 Dog Runs**

Approval is required. Dog runs must be located in the rear or side yard, abutting the home and substantially screened from view by planting fast-growing or mature trees or shrubs. Dog runs will be limited to two hundred (200) square feet, unless a variance is granted by the ARC. Dog run fences should be left natural in color and sealed to prevent premature weathering. Dog runs must be made of wood. Please refer to the fence details in **Exhibit A** for approved heights, stains, and designs. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

### **3.21 Doors**

Approval is not required for replacement of an already existing main entrance door to a home or an accessory building if the material matches or is similar to existing doors on the house and if the color is generally accepted as a complimentary color to that of existing doors on the house. Complementary colors would be the body, trim or accent colors of the house or white (for storm/screen doors).

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

### **3.22 Drainage**

The Covenants require that there be no interference with the established drainage pattern over any property. The established drainage pattern means the drainage pattern which exists at the time final grading of a Unit by the Developer or a Builder is completed. When installing your landscaping, it is very important to ensure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or against the house foundation, walkways, sidewalks, and driveways into the street. The ARC may require a report from a drainage engineer as part of landscaping or improvement plan approval. Landscaping and all drainage from downspouts off the house should conform to the established drainage pattern. Sump pump drainage should be vented a reasonable distance from the property line but on the Owner's property, to allow space for absorption. Adverse effects to adjacent properties, including Metropolitan District lands, sidewalks and streets, will not be tolerated and the Owner may be required to clean sidewalks or take other action to mitigate the effects of drainage from his or her Unit.

### **3.23 Driveways**

Approval is required for any changes or alterations to driveways. This includes construction of a pull-off area to the side of the driveway and/or driveway extensions. Driveway extensions shall be limited to 2 feet wide per side, immediately adjacent to the existing driveway, and shall be constructed of concrete or approved pavers. Driveway alterations or extensions shall not alter the existing drainage pattern on the lot. 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.

### **3.24 Evaporative Coolers**

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

See Section 3.5, Air Conditioning Equipment.

### 3.25 Exterior Lighting

See Section 3.38, Lights and Lighting.

### 3.26 Fences

#### 3.26.1 General Statement

Fences constructed by the Developer or Builder along or abutting property lines, arterial streets, collector streets, and local streets may not be removed, replaced, painted a different color or altered, including, adding a gate, without approval of the ARC.

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

#### 3.26.2 Theme Fencing

(Fencing that has been installed by the Developer or Builder along or abutting property lines on residential streets, parks, green belts, or non-urban areas)

- A. Arterial/Perimeter Fencing (along major roadways): No change in this fencing is permitted without approval of the ARC.
- B. Non-Arterial Fencing: Open fence that is adjacent to or abuts open space shall not be changed.

#### 3.26.3 Fence Designs

All rear or side yard fences along property lines require approval of the ARC.

- A. All fencing shall comply with the fence specifications in **Exhibit A**.
- B. Double fencing of property lines is not permitted.
- C. Wire mesh fencing may, upon approval of the ARC, be installed on the inside of the fence for pet security.
- D. Gates may be installed in fences facing to open space with the written approval of the ARC. Any such gates shall comply with the specifications in **Exhibit A**. As a condition of approval, the owner may be required to execute a recordable

Gate Maintenance and Indemnify Agreement relative to the ongoing maintenance of the gate.

#### **3.26.4 Maintenance/Staining**

All fences constructed on a Unit shall be maintained, repaired, and replaced by the Owner of such Unit. Regular physical and aesthetic maintenance of fencing is required. All fences must be sealed with a clear waterproof sealant or finished using semi-transparent stain, either of which must be approved by the ARC. Owners are required to submit their staining request to the ARC and this will be reviewed in-house with no additional submittal fee.

#### **3.26.5 Additional Fence Requirements**

- A.** No electric fences are permitted (other than pet containment fencing installed below grade).
- B.** Owners are required to obtain any necessary utility locates before installation of any fence.
- C.** It is important to remember that certain drainage patterns may exist along, or under, proposed fence locations. When constructing a fence, be sure to provide for adequate space between the fence and the ground to accommodate these drainage patterns.
- D.** When making a submittal for fencing, include the style and height of the fence, color of stain, 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.
- E.** At the discretion of the ARC, Units may have a privacy fence installed to border the deck pad only; provided the deck pad privacy fencing is included in the Unit's fence plan.

#### **3.26.6 Prior Approved Fencing**

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

#### **3.26.7 Pet Fencing**

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

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

### **3.27 Fire Pits**

Approval is required for all permanent or built-in structures. Built-in fire pits shall not exceed 3' by 3' in size. Approval is not required for portable units.

### **3.28 Firewood Storage**

All firewood must be located in the side or rear yard, must be neatly stacked, shall not be visible from any street or the ground level of any other Unit, and must not be located so as to block established drainage patterns.

### **3.29 Flags/Flagpoles**

Approval is required for any freestanding flagpole.

Approval is not required for flagpoles mounted to the front of the residence provided that the flags displayed thereon (if other than an American Flag) are temporary in nature and are only displayed on holidays or in celebration of specific events. They must not be placed earlier than thirty (30) days prior to the start of the particular holiday/event or celebration and must be removed no later than thirty (30) days following the particular holiday/event or celebration. Under no circumstance may the height of the flagpole exceed the height of the roofline of the residence. Flag size cannot exceed five (5) feet in length and three (3) feet in width.

American Flags: Owners shall be permitted to display an American flag in accordance with the Federal Flag Code and as follows:

- A.** No more than one (1) flag may be displayed per Lot at any given time.
- B.** The flag shall be no larger than three (3) feet by five (5) feet.
- C.** The flag may be displayed in a window or from a flagpole projecting horizontally from a location on the front of the dwelling.
- D.** Flags and/or flagpoles shall be replaced as necessary in order to prevent wear and tear.
- E.** Flags may not be illuminated without prior written approval of the ARC. Any request for lighting must detail the type and location of lighting. Lighting shall be placed so as not to disturb Owners of neighboring Units.
- F.** No flags of any kind may be placed on the Common Areas without prior authorization of the ARC.

An Owner or resident may display a service flag bearing a star denoting the Owner's or resident's or his family member's active or reserve U.S. military service during a time of war or armed conflict. The flag may be displayed on the inside of a window or door of the home on the Unit. The flag may not be larger than nine (9) inches by sixteen (16) inches.

### **3.30 Gardens – Flower or Vegetable**

Approval is not required for flower or vegetable gardens that do not exceed one hundred (100) total square feet. All flower gardens must be weeded, cared for, and maintained. Vegetable gardens shall be located in the rear or side yard.

### **3.31 Gazebos**

Approval is required. A gazebo must be an integral part of the rear yard landscape plan and must be similar in material and design to the residence. The color must be generally accepted as a complementary color to the exterior of the residence. See Section 3.2, Accessory Buildings.

### **3.32 Grading and Grade Changes**

See Section 3.22, Drainage.

### **3.33 Greenhouses**

Approval is required. Generally, greenhouses are discouraged due to the extensive maintenance required. Approval will be based upon but not limited to general aesthetics, quality, and permanence of materials used. Adequate screening will be required. See also Section 3.2, Accessory Buildings.

### **3.34 Hanging of Clothes**

See Section 3.16, Clothes Lines and Hangers.

### **3.35 Hot Tubs and Jacuzzis**

Approval is required. Hot tubs and Jacuzzis must be an integral part of the deck or patio area and of the rear yard landscaping, and be installed in such a way that it is not immediately visible 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. Prefabricated hot tub enclosures will be evaluated on a case-by-case basis, and may require additional plant material screening.

### **3.36 Kennels**

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

Also see Section 3.20, Dog Runs.

### **3.37 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 current, approved landscape requirements are attached in **Exhibit B**. All newlandscape installations and Improvements must meet these requirements.

Builder installed landscaping is pre-approved.

Significant structural elements related to landscaping, such as retaining walls, paved areas, steps, etc., must be submitted for review and approval. Changes in grade or drainage pattern must not adversely affect adjoining properties and shall comply with drainage change requirements of the Covenants. See also Section 3.22, Drainage.

Plant materials should be appropriate in character, habitat, species, size (both installed and mature), number and arrangement for their purpose and surroundings.

Owners are responsible for compliance with all, City and County laws and regulations regarding landscaping, including but not limited to tree installation and approved tree species. Certain tree species, such as Russian Olive, are not permitted by the City, County or State. Notwithstanding, the ARC shall not review landscaping plans for compliance with any such laws or regulations.

Mulch material shall be selected recognizing that high winds may be present. Mulches that “knit” together and hold to the ground should be used. Owners are responsible for removal of any mulch material that blows into other Owners’ property, public rights of way, or the common areas of the District.

Stone used as accent elements, ground cover or paving material should be chosen so that its color, size, and installation complement the architecture of the house, the natural environment and associated plant materials. Monolithic paving of yards or covering yards with decorative stones as a primary design element is prohibited.

See also Section 3.83, Xeriscaping.

### **3.38 Lights and Lighting**

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



Approval is required to modify or add permanent exterior lighting that is affixed to the residence. This includes, without limitation, whole-home, fixtures hardwired into the home, motion detector spotlights, spotlights, floodlights, or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.). Permanent, hard-wired soffit or under-eave lighting, including, without limitation, “jellyfish” or similar lighting, is considered to be more suitable for commercial/retail purposes due to the amount of light emitted and is not permitted in the neighborhood.

The following guidelines apply to all lighting:

- 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 sightly manner. Low- voltage or solar powered ground lighting fixtures which are typically affixed by stakes or similar posts are to be maintained in good aesthetic repair, be functional, not be a tripping or other physical hazard along pedestrian pathways, and remain generally vertical in their presentation.
- D.** The addition of a front yard light post will be allowed with approval and pursuant to the following:
  - (1) Exterior lights must be conservative in design and be as small in size as is reasonably practical.
  - (2) Exterior lighting should be directed toward the ground and be of low voltage to minimize glare onto neighboring properties and the street.
  - (3) Soft, outdoor pedestrian-oriented lighting should be used with dark colored lighting fixtures so as to be less obtrusive.
  - (4) The light post should match or complement the architecture of the home in design, size, color, and finish along with any existing light fixtures.
  - (5) Light posts shall be located at an appropriate distance from the right-of-way and property line to minimize glare onto neighboring properties and the street and should be integrated into the natural or architectural features of the site.
  - (6) Light or lamp posts shall not be erected higher than 6’ feet from ground level, unless approved by the ARC.
  - (7) All lighting should not be intrusive to neighboring properties and must meet all County requirements.

Temporary holiday lighting and decorations do not require approval. It is required that they not be installed more than thirty (30) days prior to the holiday. They shall be removed within thirty (30) days following the holiday. Holiday lighting and decorations are not permitted to be displayed year-round.

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

“Yard Ornaments”, whether man-made or natural, include, by way of example, bird houses, driftwood, weather vanes, sculptures or statuettes of any medium, decorative rock, monoliths, bird baths, fountains, murals and paintings, and recycled or upcycled salvaged materials.

Approval is not required for Yard Ornaments that are installed in the rear yard, are of a height less than three (3) feet, and that are otherwise in compliance with any more specific provisions of these Guidelines.

Approval is not required for up to three (3) small (less than 12 inches in height and 20 inches in diameter) Yard Ornaments to be installed in the front yard, as long as the ornament is installed at ground level and the color and design integrate into the landscape.

Approval is required for any other Yard Ornaments. The ARR should include the location of the installation as well as a photo of the proposed Yard Ornament.

See also Section 3.67, Statues or Fountains.

### **3.40 Overhangs/Sunshades/Awnings- Cloth or Canvas**

Approval is required. An overhang should be an integral part of the house or patio design. The color must be the same as, or generally recognized as, a complementary color to the exterior of the residence. A swatch of material to be used must be provided with the review submittal.

See Section 3.42, Patio Covers.

### **3.41 Painting**

Approval is not required if color and/or color combinations are identical to the original manufacturer color established on the home and/or accessory improvement. ARC approval is required for any changes to the color scheme (field, trim, or accent), and all changes must conform to the general scheme of the Community.

- A. Pre-approved color combinations have been selected for the Community. Contact the ARC for specifics. The intent is to provide Owners with a selection of pre-approved colors in order to speed up the approval process. If selecting one of the pre-approved color combinations, Owners need only submit the ARR with the

names of the colors, as well as a description of the colors of the next four (4) houses on either side of your home (or photos showing the colors of the next four (4) homes on either side of your home).

- B.** If an Owner wishes to use any color outside of the pre-approved color combinations, the ARR will need to include color samples in the form of manufacturer's paint chips, with a general description of the colors of the next four (4) houses on either side of your home (or photos showing the colors of the next four (4) houses on either side of your home). With the ARR, please indicate which color chips are for trim, body, and accent (doors and shutters) colors.
- C.** The ARC will not approve submittals without a description or photos of neighbors' paint colors.
- D.** Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.
- E.** Most homes have multiple tone paint schemes (e.g., body color, trim color and accent color for shutters and doors). New colors submitted should preserve this multiple tone scheme.
- F.** In general, after approval, only those areas that are painted may be repainted and only those areas that are stained may be re-stained; unpainted and unstained areas (such as brick or stone) shall remain unpainted and unstained.

### **3.42 Patio Covers**

Approval is required. Patio covers must be constructed of material consistent with the home and be similar or generally recognized as complementary in color to the colors on the house. Freestanding patio covers may be permitted as well as extensions of the roof.

### **3.43 Patios - Enclosed**

See Section 3.3, Additions and Expansions.

### **3.44 Patios - Open**

Approval is required. 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. Patios may not be more than twenty five (25) percent of the entire rear yard of the Unit unless otherwise approved by the ARC.

See Section 3.18, Decks.

### **3.45 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 3.23, Driveways.

### **3.46 Pipes**

Approval is required for all exterior pipes, conduits and equipment. Adequate screening may also be required.

### **3.47 Play Structures and Equipment**

Approval is required. Consideration will be given to adjacent properties (a minimum five (5) foot setback from the property line is required for trampolines, swing sets, fort structures, etc.) so as not to create an undue disturbance. In some instances, additional plant material around the equipment may be required for screening. Wood structures must be constructed of pressure treated or other weather resistant materials. All play equipment must be maintained in a good and sightly manner. The use of multi-colored cloth/canvas tarps will not be approved. Height of any play structure or equipment may not exceed twelve (12) feet.

### **3.48 Playhouses**

Approval is not required if a structure is less than twenty four (24) square feet and less than six (6) feet high, from highest point to the ground.

Approval is required for structures greater than twenty four (24) square feet and/or greater than six (6) feet high, from the highest point to the ground.

Existing setbacks required of the home must be observed when placing playhouses. A copy of the home's plot plan filed with the location of the proposed playhouse is required with the ARR.

See also, Section 3.2, Accessory Buildings.

### **3.49 Poles**

See Section 3.29, Flags/Flagpoles.

### **3.50 Ponds and Water Features**

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

- A. Must be integrated into landscape scheme.
- B. Setback shall be a minimum of five (5) feet from all property lines.
- C. Must not affect existing drainage on 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.

### **3.51 Pools**

Approval is required. Pools must be placed in the rear yard and be an integral part of the deck or patio area. They should be located in such a way that they are not immediately visible to adjacent property Owners (i.e. screened with plant material). Above ground pools and temporary pools are prohibited. One (1) wading pool, if less than eighteen (18) inches high and eight (8) feet in diameter, per Unit, is permitted on a temporary basis without prior approval, if placed in the rear yard.

See Section 3.35, Hot Tubs and Jacuzzis.

### **3.52 Radio Antennae**

See Section 3.6, Antennae/Satellite Dishes.

### **3.53 Radon Mitigation Systems**

Approval is required. Equipment must be painted a color similar or generally accepted as complementary to the exterior of the house. All equipment shall be installed so as to minimize its visibility.

### **3.54 Roofing Materials**

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

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

### **3.55 Rooftop Equipment**

Approval is required. Equipment must be painted a color similar or generally accepted as complimentary to the roofing material of the house. All rooftop equipment shall be

installed so as to minimize its visibility.

See Section 3.65, Solar Energy Devices.

### **3.56 Satellite Dishes**

See Section 3.6, Antennae/Satellite Dishes.

### **3.57 Saunas**

See Section 3.2, Accessory Buildings.

### **3.58 Screen Doors**

See Section 3.21, Doors.

### **3.59 Seasonal Decorations**

Approval is not required if installed on a lot within thirty (30) days of a holiday, provided that an Owner is keeping with the Community standards, and provided that the decorations are removed within thirty (30) days of the holiday. Seasonal decorations are not permitted to be displayed year round.

See Section 3.38, Lights and Lighting.

### **3.60 Security Devices.**

Approval is not required. Security devices, including cameras and alarms, must be selected, located and installed so as to be an integral part of the house and not distract from the home's architecture and appearance. Cameras and housing sirens, speaker boxes, conduits and related exterior elements should be unobtrusive and inconspicuous. Such devices should be located where not readily visible and should be a color that blends with or matches the surface to which it is attached.

### **3.61 Sheds**

See Section 3.2, Accessory Buildings.

### **3.62 Shutters - Exterior**

Approval is required. Shutters should be appropriate for the architectural style of the home and be of the appropriate proportion to the windows they frame. Shutters should be the same color as the "accent" color of the home (typically the same as the front door or other accent details).

### **3.63 Siding**

Approval is required. Vinyl siding will not be allowed.

### **3.64 Signs**

Approval is not required for signs so long as they comply with the following guidelines:

- A.** Signs may be displayed within the boundaries of an Owner's or resident's Unit.
- B.** No more than one (1) sign may be displayed per Unit at any given time.
- C.** Signs may be no larger than 18" x 24".
- D.** Signs shall not be illuminated.
- E.** No commercial signs of any kind are permitted, with the exception of: one (1) for sale or lease sign which shall be no larger than five (5) square feet in size; and, one (1) professional security system sign, ground staked or window mounted which shall be no larger than 8" x 8".
- F.** No signs of any kind may be placed on the Common Areas without prior approval by the ARC.

### **3.65 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 ARC is allowed to request changes as long as they don't significantly increase the cost or decrease the efficiency of the proposed device and panels. Please also see Colorado Law C.R.S. 38-30-168, which governs the review and the Owner's installation of such devices.

### **3.66 Spas**

See Section 3.35, Hot Tubs and Jacuzzis.

### **3.67 Statues or Fountains**

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

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

See Section 3.13, Birdbaths and Section 3.39, Ornaments/Art – Landscape/Yard

### **3.68 Storage Sheds**

See Section 3.61, Sheds and Section 3.2, Accessory Buildings.

### **3.69 Sunshades**

See Section 3.40, Overhangs/Awnings – Cloth or Canvas and Section 3.42, Patio Covers.

### **3.70 Swamp Coolers**

See Section 3.5, Air Conditioning Equipment, Section 3.24, Evaporative Coolers, and Section 3.55, Rooftop Equipment.

### **3.71 Swing Sets**

See Section 3.47, Play Structures and Equipment.

### **3.72 Television Antennae**

See Section 3.6, Antennae/Satellite Dishes.

### **3.73 Tree Houses**

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

### **3.74 Vanes**

See Section 3.78, Weather Vanes and Directionals.

### **3.75 Vents**

See Section 3.55, Rooftop Equipment.

### **3.76 Walls**

See Section 3.26, Fences and Section 3.77, Walls, Retaining.

### **3.77 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 the Builder or Developer. All retaining walls shall comply with applicable requirements of the City of Arvada and shall not significantly alter the drainage patterns on the lot or adjacent properties (including Metropolitan 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 are prohibited.

### **3.78 Weather Vanes and Directionals**

Approval is required.

### **3.79 Wind Electric Generators**

Approval is required. In addition to ARC approval, windmills and any other type of fixture, which fall under the criteria of a wind generator, or are used to generate power etc., must meet the requirement of the C.R.S. 40-2-124, applicable City and County requirements, and any regulations of the Colorado Public Utilities Commission.

### **3.80 Windows Replacement**

Approval is required. Considerations will include, but may not be limited to, size, color, existing and proposed window style and style of home.

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

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

Approval is required for any visible window tinting. Highly reflective and/or dark tinting is considered too commercial for residential applications and is not permitted.

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

### **3.82 Work Involving Metropolitan District Property**

Approval is required. Generally, driving vehicles, including wheelbarrows, across District property is not permitted. However, when circumstances warrant, the Board of Directors 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 actual restoration of the District property will be done by the District.

### **3.83 Xeriscape**

Approval is required. Owners are permitted to incorporate xeriscape design when submitting landscaping plans pursuant to Section 3.37 above. Xeriscape is not a specific look or specific group of plants, and it is not a disorganized jumble of plants that can grow without supplemental water. Rather, xeriscape is a combination of seven common-sense gardening principles that save water, time, and resources while creating a gorgeous

landscape. The Seven Principles of Xeriscape are:

- (1) Plan and Design** – for water consumption and beauty from the start. A design makes it easy to complete your project in phases.
- (2) Create Practical Turf Areas** – of manageable size, shape, and grade.
- (3) Select Low-Water Plants** – and group them according to their water needs. This is also known as hydro-zoning. Then experiment to determine how much and how often to water.
- (4) Use Soil Amendments** – as you plant. Compost is the best choice.
- (5) Use Mulches** – like wood chips or cobble rock to reduce evaporation and to keep the soil cool.
- (6) Irrigate Efficiently**- with purpose designed systems (including hose-end equipment) and by applying the right amount of water at the right time.
- (7) Maintain the Landscape Properly** – by mowing, weeding, pruning, and fertilizing properly.

Plans that include only rock for the yard, without the inclusion of various organic materials and vegetation will not be approved. A xeriscaped yard must still reflect careful planning and landscaping, and appropriate maintenance, to present an aesthetically appealing result.

The installation of xeriscaping does not relieve an Owner of responsibility for watering and maintaining his or her landscaping in a neat and clean manner. In the event any vegetation requires replacement, each Owner is responsible for the prompt replacement of such vegetation.

See also Section 3.38, Landscaping, and Exhibit B.

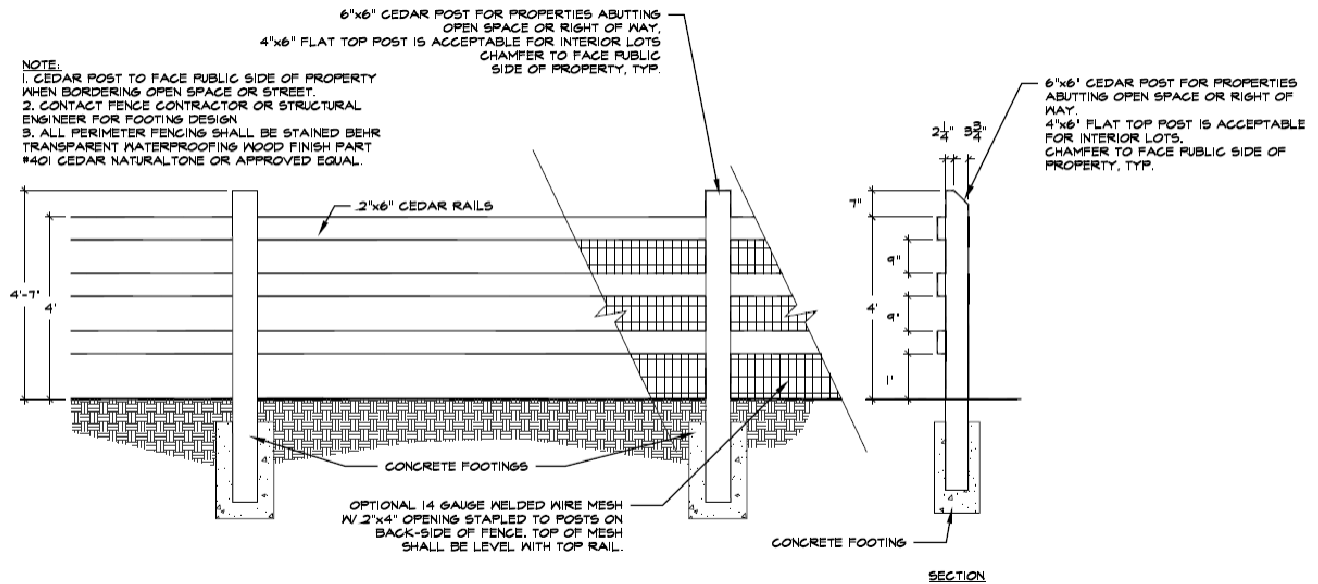
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# EXHIBIT A

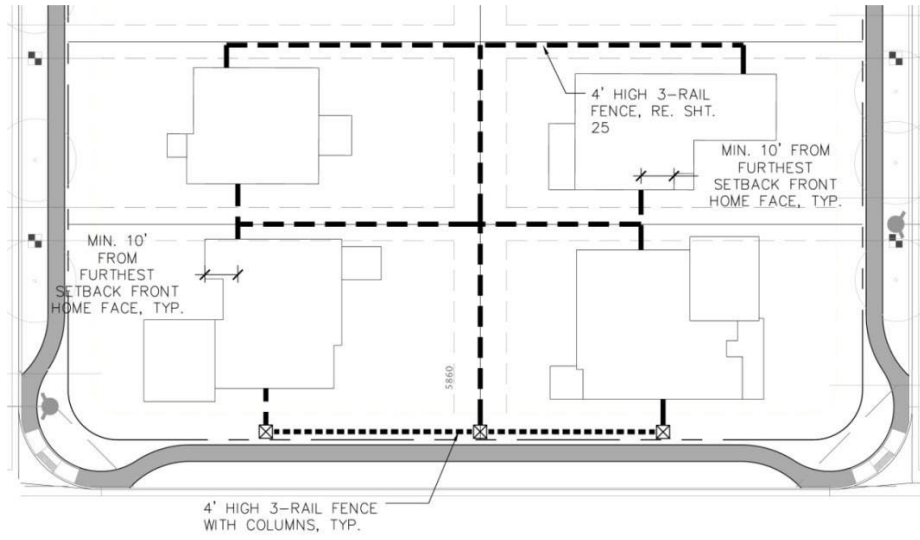
## DISTRICT FENCE SPECIFICATION

The following fence specification is for perimeter lot fencing. Stone column detail, where required on City approved Final Development Plan, is a builder installed feature and is not required on Owner installed fence. Please note minimum required fence setback from front of home. Patio privacy fencing described in the Design Guidelines shall be submitted by Owner and approved on a case by case basis. Note that all side-yard fencing must be installed on the property line. Perimeter fencing adjoining public property shall be installed with the fence posts at the property line and rails installed on the lot-facing side of the fence. 2" x 6" Cedar rails are required. For interior lot fencing that does not face a right of way, common area or open space, 4" x 6" posts shall be required.

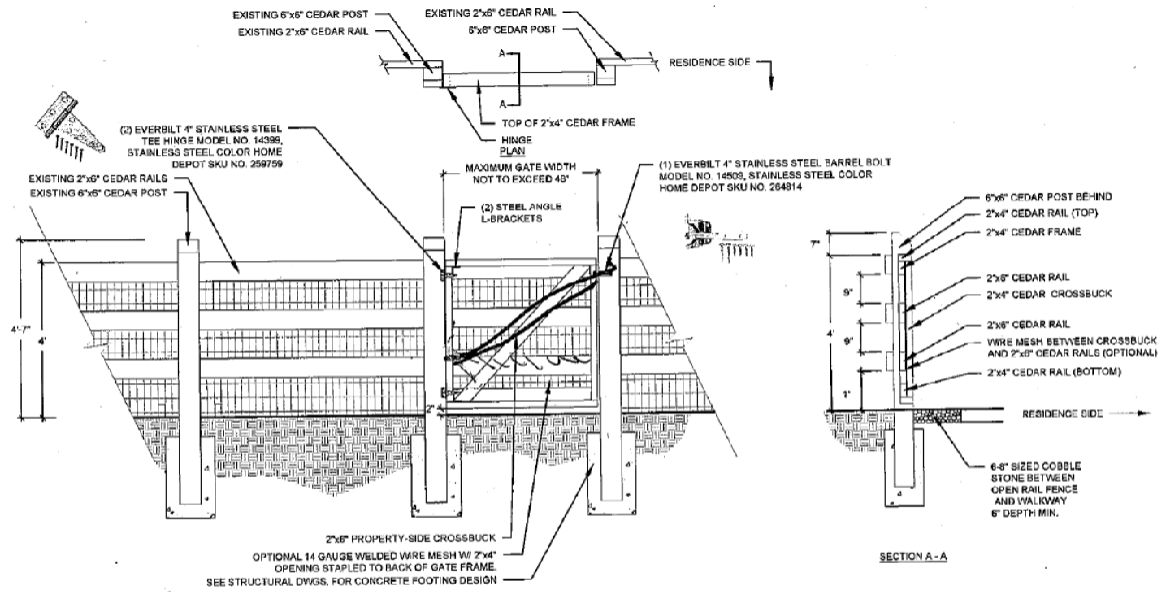
**Figure 1. Fence Detail**



**Figure 2. Single Family Home with Setback Requirements**



**Figure 3. Gate Detail**



- NOTE:
1. GATE TO SWING INWARD TOWARD RESIDENCE
  2. GATE TO BE INSTALLED ONLY ON REAR YARD 3 RAIL FENCE AND ADJACENT TO OPEN SPACE
  3. THE GLASS CAN BE EITHER ON THE INSIDE OR OUTSIDE

LEYDEN ROCK RESIDENTIAL GATE DETAIL

SCALE:  $\frac{1}{8}'' = 1' 0''$

## EXHIBIT B

### LANDSCAPE REQUIREMENTS

The use of drought tolerant plants is highly encouraged. **Builder installed landscaping plans are pre-approved; no approval is required for STANDARD Builder installed landscaping.** If Owner negotiates alterations or additions to STANDARD landscape offering, approval is required.

#### TIMING OF LANDSCAPE INSTALLATION

The Owner of each Unit (other than the Developer or a Builder) shall install landscaping on such Unit, and on adjacent tree lawn areas, within one hundred (180) days after the later to occur of acquisition of the Unit by the Owner, if such acquisition occurs between April 1 and July 31. If such acquisition does not occur between April 1 and July 31, then all landscaping shall be installed by the Owner by the following June 30.

#### PLANT MATERIAL & LOCATION

Landscaping shall consist of trees, shrubs, ground covers, annual and perennial flowers, turf grasses, mulches and automatic irrigation. In the case of shade or ornamental trees (deciduous), plantings may not be installed closer than 6 feet (6') from the property line. In the case of evergreen trees (conifer), plantings may not be installed closer than 10 feet (10') from the property line. Ornamental grasses and shrubs may be installed anywhere on the lot, including along the property line. Select a variety of plant species including deciduous and evergreen trees and shrubs.

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

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

Mulch material shall be selected recognizing that high winds may be present in District. Mulches that “knit” together and hold to the ground should be used.

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

Planting beds must be separated from turf by edging.

See the plant palette below for recommended plant material.

## STREET TREES

All tree lawns shall contain deciduous trees spaced at one (1) tree per forty (40) linear feet. The trees and other landscaping within the tree lawn area are the maintenance obligation of the homeowner.

## STANDARD OPTION – FRONT YARD

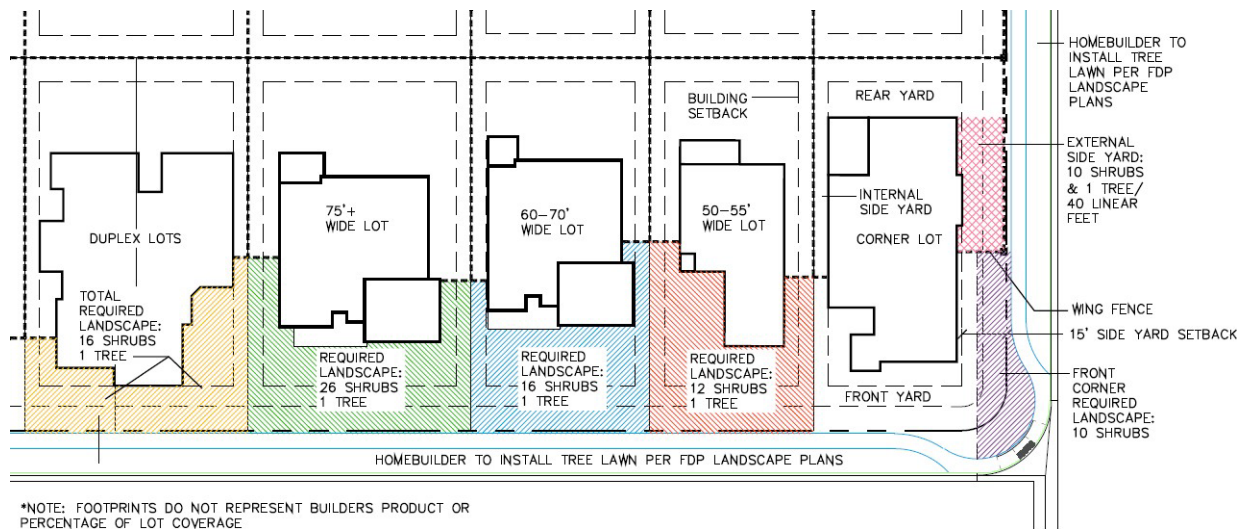
The area from the back of the sidewalk to the front of the building and side yard wing is defined as the front yard. Additional appurtenances, landscape elements, and decorative entry features may be allowed and will be reviewed on a case by case basis.

Please refer to Exhibit C “Leyden Rock Lot Size Map” for lot width designation.

Plant material required in the FRONT YARD based on lot width.

Adjoining duplex lots - 16 shrubs/1 Deciduous Tree, 1 Evergreen Tree or 1 Ornamental Tree  
 50-55' Wide Lot (59' Max.) - 12 shrubs/1 Deciduous Tree, 1 Evergreen Tree or 1 Ornamental Tree  
 60-70' Wide Lot (74' Max.) - 16 shrubs/1 Deciduous Tree, 1 Evergreen Tree or 1 Ornamental Tree  
 75'+ Wide Lot - 26 shrubs/1 Deciduous Tree, 1 Evergreen Tree or 1 Ornamental Tree

**Figure 1. Front/Side Yard Plant Material Required**



## STANDARD OPTION - SIDE YARDS

### Internal Side Yard

- The portion of the lot between neighboring homes defined as the area between the building, side property line, rear of building and behind the front fence wing walls.

- May be covered in rock or mulch, no plant material is required.

#### External Side Yards

- Side yards on corner lots exposed to public view. Defined as the area between the building, back of sidewalk along the side property line, rear of building and behind the front fence wing walls.
- Shall be landscaped with shrubs and trees at the rate of one tree and 10 shrubs per 40 linear feet of side yard.

#### Front Corner Yard

- The additional landscape area on the front/side of a corner lot. Defined as the area between the back of sidewalk along front and side yards, the front fence wing wall, and 5' from the 15' side yard building setback.
- Shall be landscaped with shrubs and trees and integrated into front yard landscape.
- 10 shrubs min. required.

### **STANDARD OPTION - REAR YARD**

The rear yard is that portion of the lot between the rear property line and the rear of the building.

In rear yards there shall be at least 35% long-lived plant material (turf, trees, shrubs or ornamental grasses), no more than 25% short-lived plant material (perennials or annuals), and no more than 25% non-living material. Mulch areas or planting beds in rear yards must have plant material cover the mulch at a rate of 50% coverage at installation and 75% coverage at maturity. Natural turf shall be limited to no more than 45% of the area to be landscaped.

### **XERIC OPTION – FRONT YARD**

The area from the back of the sidewalk to the front of the building and side yard wing walls is defined as the front yard. Additional appurtenances, landscape elements, and decorative entry features may be allowed and will be reviewed on a case by case basis.

Turf Requirement: no turf is required.

Rock and inorganic mulches are limited to not more than 50% of the area to be landscaped. 50% of all rock and other mulch areas shall be covered with living plant material.

Brick pavers, asphalt pavers, and natural stone limited to not more than 40% of the landscaped area.

Features: One of the following features shall be incorporated:

Wall – 1 to 2.5 feet high decorative natural stone, stucco or approved option.

Fence – in accordance with the fence requirements of District.

Berms – low earth berm 2.5 feet tall max. Slopes not to exceed one foot rise for each 4 feet of run.

Natural Boulders – 2 – two feet by three feet minimum.



## **XERIC OPTION - SIDE YARDS**

The side yard is the portion of the lot between the building, side property line, rear of building and behind the front fence wing walls.

Internal Side Yards – May be covered in rock or mulch, no plant material is required.

External Side Yards - On corner lots exposed to public view, they shall be landscaped by combining visible side and front yard areas and applying front yard standards.

## **XERIC OPTION – REAR YARD**

The rear yard is that portion of the lot between the rear property line and the rear of the building.

In rear yards there shall be at least 35% long-lived plant material (turf, trees, shrubs or ornamental grasses), no more than 25% short-lived plant material (perennials or annuals), and no more than 25% non-living material. Mulch areas or planting beds in rear yards must have plant material cover the mulch at a rate of 50% coverage at installation and 75% coverage at maturity. Natural turf shall be limited to no more than 45% of the area to be landscaped.

## **XERIC OPTION – IRRIGATION**

All landscaping shall include automatic irrigation to ensure xeric and non-xeric plant matter is properly established and maintained.

## **PLANT PALETTE**

The following are pre-approved District plant types

COMMON NAME	BOTANICAL NAME
Deciduous Trees	
Thin Leaf Alder	<i>Alnus incana</i>
Aristocrat Pear	<i>Pyrus calleryana</i> 'Aristocrat'
Western Catalpa	<i>Catalpa speciosa</i>
Crimson Spire Oak	<i>Quercus</i> Crimson Spire
Autumn Purple Ash	<i>Fraxinus americana</i> 'Autumn Purple'
Fall Gold Ash	<i>Fraxinus nigra</i> 'Fall gold'
Imperial Honeylocust	<i>Gleditsia triacanthos</i> 'Imperial'
Sunburst Honeylocust	<i>Gleditsia triacanthos</i> 'Sunburst'
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Plains Cottonwood	<i>Populus sargentii</i>
Swamp White Oak	<i>Quercus bicolor</i>
Burr Oak	<i>Quercus macrocarpa</i>
English Oak	<i>Quercus robur</i>
Columnar English Oak	<i>Quercus robur</i> 'Fastigiata'

Skyline Honeylocust	Gleditsia triacanthos "Skyline"
Greenspire Linden	Tilia cordata'Greenspire'
Evergreen Trees	
Rocky Mountain Juniper	Juniperus scopulorum
Pinyon Pine	Pinus edulis
Austrian Pine	Pinus nigra
Ponderosa Pine	Pinus ponderosa
Ornamental Trees	
Ginnala Maple	Acer ginnala 'Flame'
Shadblow Serviceberry	Amelanchier canadensis
Thornless Cockspur Hawthorn	Crataegus crus-galli var. inermis
Hopa Crabapple	Malus 'Hopa'
Indian Magic Crabapple	Malus 'Indian Magic'
Spring Snow Crabapple	Malus 'Spring Snow'
American Plum	Prunus americana
Chanticleer Pear	Pyrus calleryana Chanticleer
Deciduous Shrubs	
Serviceberry	Amelanchier alnifolia
Indigo Leadplant	Amorpha fruticosa var. angustifolia
Tall Western Sagebrush	Artemisia tridentata
Four-wing Saltbrush	Atriplex canescens
Blue Mist Spirea	Caryopteris x clandonensis 'Blue Mist'
Mountain Mahogany	Cercocarpus montanus
Rabbitbrush	Chrysothamnus nauseosus
Apache Plume	Fallugia paradoxa
Russian Sage	Perovskia atriplicifolia
Lewis Mockorange	Philadelphus lewisii
Purple Ninebark (Diablo)	Physocarpus opulifolus 'Diablo'
Potentilla	Potentilla fruticosa 'McKay's White'
Native Chokecherry	Prunus virginiana melanocarpa
Rocky Mountain Sumac	Rhus glabra cismontana
Woods Rose	Rosa woodsii
Mountain Snowberry	Symphoricarpos oreophilus
Dwarf Korean Lilac	Syringa meyeri 'Paliban'
Evergreen Shrubs	
Hughes Juniper	Juniperus horizontalis 'Hughes'
Buffalo Juniper	Juniperus sabina 'Buffalo'
Tammy Juniper	Juniperus sabina 'Tammy'
Sea Green Juniper	Juniperus x media 'Sea Green'
Ornamental Grasses	
Blue Avena Grass	Helictotrichon sempervirens
Feather Reed Grass	Calamagrostis acutiflora 'Stricta'

Maiden Hair Grass  
Blue Switchgrass

Ribongrass  
Indian Grass  
Mexican Feather Grass

*Miscanthus sinensis* 'Morning Light'  
*Panicum virgatum* 'Heavy Metal'

*Phalaris arundinacea* 'Picta'  
*Sorghastrum nutans* 'Sioux Blue'  
*Stipa tenuissima*

#### Perennials

Moonshine Yarrow  
Coreopsis  
Blanket Flower  
  
Daylily  
Gayfeather  
Catmint  
White Evening Primrose  
Firecracker Penstemon  
Prairie Coneflower  
Black Eyed Susan  
Salvia  
Lavendar Cotton

*Achillea* 'Moonshine'  
*Coreopsis* sp.  
*Gaillardia* sp.  
*Hemerocallis* (orange, yellow, white,  
lavender)  
*Liatris spicata*  
*Nepeta x faassenii*  
*Oenothera ceaspitosa marginata*  
*Pestemon eatonii*  
*Ratibida columnifera, pulcherrima*  
*Rudbeckia* sp.  
*Salvia sylvestris*  
*Santolina* sp.

# EXHIBIT C

## LEYDEN ROCK LOT SIZE MAP

