

**RESIDENTIAL IMPROVEMENT
GUIDELINES
AND SITE RESTRICTIONS
FOR TRAILSIDE COMMUNITY
at Cundall Farms**

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I. **INTRODUCTION**

1.1 Basis for Guidelines

These Residential Improvement Guidelines and Site Restrictions (“**Guidelines**”) are intended to assist homeowners living in the Trailside Community in implementing landscaping and other improvements to their property. The Trailside Covenants and Restrictions (the “**Covenants**”) requires prior approval from the Architectural Review Committee (“**ARC**”) before the construction, erection, placement, alteration, planting, installation or modification of any Improvement upon any Unit shall be made. For instance, any change to existing landscaping, new landscaping, or change to the final grade of property; the construction or installation of any accessory building, patio, deck, pool, or hot tub; the demolition or removal of any building or other improvement, any change of exterior appearance of any building or other improvement, including changing paint colors, must be submitted for prior approval. In order to assist homeowners, 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.

1.2 Contents of Guidelines

In addition to the introductory material, these Guidelines contain (A) a summary of procedures for obtaining approval from the ARC; (B) a listing of specific types of improvements that homeowners might wish to make with specific information as to each of these types of improvements; and (C) some helpful landscaping ideas and information.

1.3 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.

1.4 ARC Contact Information

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

COMPANY NAME	OFFICE	FACSIMILE	E-MAIL
Stillwater Community Management, Attn: Scott Bristol	(303) 872-9224 Ext 102	(303) 309-0468	arc@scmcolorado.com

1.5 Effect of Covenants

The Covenants govern property within Trailside. Each homeowner 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.

1.6 Effect of Governmental and Other Regulations

Use of property and any improvements must comply with applicable building codes and other

governmental requirements and regulations. For general information about the City of Thornton requirements, homeowners may write or call the City at: 303-538-7517

Approval by the ARC will 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.

1.7 Interference with Utilities

In making improvements to property, homeowners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Homeowners should not construct any improvements over such easements without the consent of the utility involved, and homeowners 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**

1.8 Goal of Guidelines

Compliance with these Guidelines and the provisions of the Covenants will help preserve the inherent architectural and aesthetic quality of Trailside. 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 homeowners. By following these Guidelines and obtaining prior written approval for improvements to property from the ARC, homeowners will be protecting their financial investment and will help insure that improvements to property are compatible with standards established for Trailside. 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.

Enforcement of Covenants and Design Guidelines

The C u n d a l l F a r m s Metropolitan District (the “**District**”) shall have primary responsibility for the enforcement of the architectural requirements of the Covenants and these Guidelines. The District, its agents, and the ARC will investigate written complaints concerning violations of the requirements/prohibitions of the Covenants or these Guidelines, if such complaints are signed and dated by the person making the complaint. The District, its agents, and the ARC shall use all reasonable means to maintain the anonymity of complainants. The District shall be allowed access to the property of the person filing the complaint for purposes of verification of the complaint. If a violation is found as a result of a complaint or through its own inspections, the District shall notify the owner whose property is in violation, in writing, requesting that appropriate action be taken to achieve compliance. The District shall take enforcement action (including assessing fines, fees, and penalties) in accordance with the District's compliance and fee policy then in effect. Specific duties and powers of the ARC and the District are more fully set forth in the Covenants.

II. **PROCEDURES FOR ARC APPROVAL**

2.1 **General**

As indicated in the listing of specific types of improvements, 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 the listing, a specific type of improvement is not permitted under any circumstances. In all other cases, including improvements not included in the listing, advance, or prior written approval by the ARC is required before an improvement to property is commenced.

2.2 **Drawings or Plans**

Homeowners are required to submit to the ARC an Architectural Review Request Form and complete plans and specifications (said plans and specification 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) prior to commencement of work on any improvement to property. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, a landscape architect, or draftsman, and a simple drawing *with dimensions* and description will be sufficient. In the case of major improvements, such as room additions, structural changes or accessory building construction, detailed plans and specifications, prepared by a licensed architect, may be required. Whether done by the homeowner, or professionally, the following guidelines should be followed in preparing drawings of plans:

- A. The drawing or plan should be done to scale and shall depict the property lines of your lot and the outside boundary lines of the home as located on the lot. If you have a copy of an improvement survey of your lot 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, 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 feet (10') by twelve feet (12') with two inch by four inch (2"x4") decking and natural stain.
- C. The plan or drawing and other materials should show the name of the homeowner, the address of the home, the lot, block and filing number, e-mail and a telephone number where the homeowner can be reached.
- D. The proposed improvements must take into consideration the easements, building location restrictions and sight distance limitations at intersections.
- E. Homeowners should be aware that many improvements require a permit from the City. 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

One copy of the drawing or plans (minimum acceptable size 8.5" x 11") must be submitted to the ARC along with a completed Architectural Review Request Form. Color photographs, brochures, paint swatches, etc. will help expedite the approval process. Specific dimensions and locations are required.

The review fees as set forth on the Architectural Design Review Submittal Fees Sheet (available from the entity listed in Section 1.04) shall be submitted with the Design Review Request Form. In addition, 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 within forty-five (45) days after the complete submission of plans, specifications, and other materials and information as requested by the ARC. All approvals or disapprovals of the ARC will be reduced to writing and sent to the homeowner by mail within five (5) days of the ARC's decision. A stamped or printed notation by the ARC shall be deemed a sufficient writing. If, for any reason, 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.

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 (1) year after the date of approval of the application ("**Completion Deadline**"), or to complete the Improvement in complete conformance with the conditions and requirements of the approval, shall constitute noncompliance; provided, however, that the ARC may grant extensions of time to individual Owners for completion of any proposed Improvements, either (a) at the time of initial approval of such Improvements, or (b) upon the request of any Owner, provided such request is delivered to the ARC in writing; provided that the Owner is diligently prosecuting completion of the subject Improvements or other good cause exists at the time such request is made.

2.7 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 (in form and substance acceptable to the ARC, or on forms provided by 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 Article.

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 Article. However, such right of inspection shall terminate ninety (90) days after the ARC has received a Notice of Completion from the applicant and no action has been initiated by the ARC. The 90-day period to perform inspections after the ARC has received a Notice of Completion does not apply to or limit the right or authority of the ARC to require compliance with the Improvement review and approval process as set forth in the Covenants and the Guidelines, or the right or authority of the District to enforce these Covenants, the Guidelines, or any Rules and Regulations, including but not limited to the requirements pertaining to the maintenance of Improvements.

2.9 Rights of Appeal

The affirmative, majority vote of the ARC shall be required for approval (which may be with conditions and/or requirements) of each matter, unless the Person with the authority to appoint the ARC, as provided in Section 2.1 of the Covenants, has delegated, in writing, some or all architectural authority, to one or more other Persons or the ARC has appointed a representative or committee to act for it, in which case the decision of such Person, representative or committee shall control. A homeowner may appeal to the ARC in the event of adverse action by committee or representative, provided such appeals are submitted in writing within thirty (30) days after the applicant received notice of such adverse action.

2.10 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 (except landscaping, as provided below), subject to any extensions of time granted pursuant to Section 2.6 hereof, then the ARC shall notify the applicant in writing of the non-compliance. Such notice of non-compliance shall be given not later than sixty (60) days after (as applicable), (a) the ARC receives a Notice of Completion from the applicant, or (b) the ARC discovers any such noncompliance. The notice of non-compliance shall specify the particulars of the non-compliance.

2.11 Correction of Non-compliance

If the ARC determines that a 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.

2.12 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 in its sole discretion as changing conditions and/or priorities dictate.

2.13 Questions

If you have any questions about the foregoing procedures, feel free to call the ARC at the phone number and address listed in the introductory part of these Guidelines.

Remainder of page intentionally left blank.

III. SPECIFIC TYPES OF IMPROVEMENTS/GUIDELINES

3.1 General

The following is a listing, in alphabetical order, of a wide variety of specific types of improvements which homeowners 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, a homeowner may proceed with the improvements without advance approval if the homeowner 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 that might not be listed below.**

3.1.1 Variances

Approval of any proposed plans by the granting of a variance from compliance with any of the provisions of these Guidelines is at the sole discretion of the ARC when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require.

3.1.3 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.

3.2 Accessory Buildings

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

- A. Storage sheds and/or accessory buildings must be aesthetically compatible and consistent with the style and character of the home and other homes in the same general area of the Community. Storage sheds and/or any accessory buildings shall not be more than 8' x 10', and shall not be more than 8 feet high at the peak. The roof pitch must be complementary to the existing roof on the home, unless otherwise approved by the ARC.
- B. Siding, roofing, and trim materials must match those on the home, unless otherwise approved by the ARC.
- C. Smaller lots may not have a suitable location for a storage shed. In any case, no more than one (1) storage shed and one (1) playhouse shall be permitted per property.
- D. The ARC, in reviewing and approving or denying an application for approval of a storage shed or accessory building, shall take into consideration lot size, square footage of the home, the existing grading, fence locations, landscape screenings, etc.
- E. Any utilities serving the storage shed or accessory building shall be underground.

A playhouse or play structure shall not be considered an accessory building. Playhouses do not require approval if less than 24 square feet and less than 6 feet in height from highest peak to the ground.

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 complimentary 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 25% of the entire rear lot of the home 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 and type of number currently on the residence.

3.5 Advertising

All trade signs, which include, but are not limited to, landscaping, painting, and roofing, may only be displayed while work is in progress and must be removed upon completion of the job. See Signs, Section 3.73.

3.6 Air Conditioning Equipment

Approval is required for all air conditioning equipment including evaporative coolers (swamp coolers) and attic ventilators installed after the initial construction. Approval is not required for replacement of existing air conditioning equipment with like equipment; otherwise approval is required. No heating, air conditioning, air movement (e.g. swamp coolers) or refrigeration equipment shall be 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.

3.7 Antennae/Satellite Dishes

Approval is required. No more than two (2) small antennae/satellites may be installed and maintained on any lot, and only upon compliance with the following conditions:

3.7.1 General

- a. The antennae/satellite must be forty (40) inches or less in diameter and should, to the extent reasonably possible without unreasonable expense or delay, be disguised to resemble and be visually indistinguishable from other structures, devices or improvements otherwise allowed in the community and/or by the Covenants and/or these Guidelines.
- b. The ARC recommends screening the antennae/satellites from neighboring lots, parks, parkways, greenbelts, school grounds, and open space.
- c. All antennae/satellites installed on a lot or site are restricted for the personal use of the owner of the lot or site.
- d. The installation of the antennae/satellite must comply with any zoning requirements and building codes.

3.7.2 Location

- a. All antennas/satellites 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 antennas/satellites shall be screened from view from any street and nearby lots to the maximum extent possible, and placement shall be made in the following order of preference.
 - i. Inside the structure of the house, not visible from the street,
 - ii. "Rear" yard or "side" yard, behind and below the fence line,
 - iii. "Rear" yard or "side" yard, mounted on the house, in the least visible location below roofline,
 - iv. "Side" yard in front of wing fence, screened by and integrated into landscaping,
 - v. Back rooftop.
 - vi. "Front" yard screened by and integrated into landscaping,
- b. If more than one (1) location on the property 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. Antennas/satellites shall not encroach upon common areas or any other Owner's property.

3.7.3 Installation

- a. All installations must comply with all applicable building codes and other governmental regulations, and must be secured so they do not jeopardize the safety of residents or cause damage to adjacent properties. Any installation must strictly comply with FCC guidelines.
- b. All antennas/satellites 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 antenna/satellite, including but not limited to costs to install, replace, repair, maintain, relocate, or remove the unit.
- d. All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Antennas/satellites, 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. Except as otherwise provided above, to the extent not prohibited by the FCC Rule, approval of the location, height, materials and other features regarding the appearance of any antenna/satellite shall be submitted in accordance with the Guidelines and Covenants.

All other antennas, not addressed above, are prohibited.

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 Overhangs/Awnings – Cloth or Canvas, Section 3.49.

3.9 Balconies

See Decks, Section 3.20.

3.10 Barbecue/Gas Grills

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.

3.11 Basketball Backboards

No basketball backboards shall be attached to the garage. Only portable basketball backboards shall be allowed and do not require approval if the following guidelines are met:

- 1) portable units cannot be placed in the public right of ways, streets, sidewalks or street lawns;
- 2) location must be at least half of the length of the driveway away from the street.
- 3) portable basketball backboards may not be permanently located in side yards or back yards.
- 4) portable basketball backboards may be left out when not in use only if the backboard, hoop, and net are in good repair. Portable basketball backboards that are not in good repair, including the hoop and net, must be stored out of sight when not in use and may not be left out for more than 24 hours.

3.12 Birdbaths

Placement in “front” or “side” yard is not allowed. See Statues or Fountains, Section 3.78.

3.13 Birdhouses and Bird Feeders

Approval is not required if installed in the rear yard and the size is limited to one foot by two feet. No more than three of each of a birdhouse or birdfeeder shall be installed on any lot. A birdhouse or bird feeder, which is mounted on a pole, may not exceed five (5) feet in height.

3.14 Boats

See Motor Vehicles/Recreation Vehicles, Section 3.47.

3.15 Carports

Will not be permitted.

3.16 Clothes Lines and Hangers

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

3.17 Cloth or Canvas Overhangs

See Overhangs/Awnings – Cloth or Canvas, Section 3.49.

3.18 Commercial and/or Oversized Vehicles

The garage area and driveway of each Unit should first be fully used for the parking of vehicles before any street parking is done.

3.18.1. Commercial Vehicles,

Vehicles with commercial writing on their exteriors, vehicles primarily used or designed for commercial purposes, tractors, mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camper trailers, boats and other watercraft, recreational vehicles, golf carts and boat trailers, shall be parked only in enclosed garages, in the Unit driveway or specific areas, if any, which may be designated by ARC. Commercial work vehicles used for homeowner transportation must be under one (1) ton are prohibited from parking on any Community street and must be parked on driveway or within garage. This restriction, however, shall not restrict trucks or commercial vehicles which are necessary for construction or for the maintenance of any portion of the Property, or any Improvements located thereon, nor shall such restriction prohibit vehicles that may be otherwise parked as a temporary expedient for loading, delivery or emergency. Stored vehicles and vehicles which are inoperable or do not have current operating licenses shall not be permitted on the Property except within enclosed garages. For purposes of this Section, the ARC may determine whether a vehicle is considered "stored". For example, a vehicle may be considered to be "stored" if it is up on blocks or covered with a tarpaulin and remains on blocks or so covered for seventy-two (72) consecutive hours without the prior approval (which may be with conditions and/or requirements) of the ARC.

3.18.2. Vehicle Maintenance and Repair

No activity, including maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicles, trailers or boats, may be performed or conducted in the Property unless it is done within completely enclosed structure(s) which screen the sight and sound of the activity from the street and from adjoining property. Any Owner or other Person undertaking any such activities shall be solely responsible for, and assumes all risks of, such activities, including adoption and utilization of any and all necessary safety measures, precautions and ventilation. However, the foregoing restrictions shall not be deemed to prevent washing and polishing of any motor vehicle, boat, trailer, motor-driven cycle, or other vehicle on a Unit, together with those activities normally incident and necessary to such washing and polishing.

3.19 Compost

Approval is required. Container must not be immediately visible to adjacent properties and odor must be controlled. Underground composting is not allowed.

3.20 Decks

Approval is required. The deck must be constructed of redwood or composite type decking products and approved by the ARC. The appropriate City permits are also required. The decking material must be either redwood in color or of a color that matches one of the exterior paint colors

or the masonry on the home. The deck should be located so as not to obstruct or greatly diminish the view or create an unreasonable level of noise for adjacent property owners.

All deck columns shall be integrated into the architectural style/character of the home. Covered decks shall be compatible with the architectural style of the home through roof form integration, column design, and railing details. Supporting posts and columns associated with all covered decks or those more than 30" above grade shall be a minimum eight inches by eight inches unless grouped (two or more 4"x4" posts) or enhanced with a masonry base. When possible, matching the column style present on the front of the home is preferred.

Decking that is less than thirty (30") inches above grade of the lot, may utilize a lattice skirting provided the skirting is made of redwood minimum one-half (1/2") inch thick boards and stained or painted to match the remaining portions of the deck. Decks may not be more than 25% of the entire rear lot of the home unless otherwise approved by the ARC. Construction shall not occur over easements or beyond the side plane of the home and must be set back a minimum of ten (10) feet from the rear property line. No decks with abutting rear lot lines shall be within 30 feet of each other at any point (Refer to the City code). Construction of decks over a sloped area is discouraged.

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

3.21 Dog Houses

Approval is required. 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 home/lot. See Fences, Section 3.28.

3.22 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 200 square feet, unless a variance is granted by the ARC. Dog run fences should be left natural in color and sealed to prevent weathering. In some cases, written consent from adjacent neighbors may be requested. Dog runs must be made of wood; please refer to the fence details in Schedule 1 & 2 for approved heights, stains and designs. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

3.23 Doors

Approval is not required for 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).

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

3.24 Drainage

The Covenants requires that there be no interference with the established drainage pattern over any property. The established drainage pattern means the drainage pattern as engineered and constructed by the homebuilder prior (or in some cases, immediately following) conveyance of title from the home builder to the individual homeowner. When installing your landscaping, it is very important to insure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or against the house foundation, walkways, sidewalks, and driveways into the street. The ARC may require a report from a drainage engineer as part of landscaping or improvement plan approval. Landscaping and all drainage from downspouts off the house should conform to the established drainage pattern. Sump pump drainage should be vented a reasonable distance from the property line, on the owner's property, to allow for absorption. Adverse effects to adjacent properties, including District lands, sidewalks and streets, will not be tolerated.

3.25 Driveways

Approval is required for any changes or alterations to driveways; this includes construction of a pull-off area to the side of the driveway and/or concrete driveway extensions. Only clear sealant may be used on the driveway (no colors) and owners will be required to maintain the driveways against oil spills, spalling/peeling/etc.

3.26 Evaporative Coolers

Approval is required. No rooftop or window mount installations are allowed. See Air Conditioning Equipment, Section 3.06.

3.27 Exterior Lighting

See Lights and Lighting, Section 3.44.

3.28 Fences

3.28.1 General Statement

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

3.28.2 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 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.

3.28.3 Fence Designs.

- a. All “rear” or “side” yard fences along property lines require approval of the ARC..
- b. Fences (not previously installed by a Builder or Developer) that will be located in the “rear” or “side” yard along property lines are required to be constructed in accordance with the specifications shown in Schedule 1
- c. All fencing in Schedule 1 must be constructed of rough sawn cedar (**pine and other soft woods will not be approved**). Gates must be constructed in accordance with Schedule 1.
- d. Vinyl fencing will not be approved under any circumstances.
- e. Double fencing of property lines is not permitted.
- f. All fence slats are required to be placed tightly side by side, shadow box type fencing will not be allowed.
- g. All fencing (except transition sections) must be installed at a height of 6ft.
- h. Any additional fencing of any kind (not listed) shall require ARC approval.
- i. Wire mesh installed in split rail fencing for pet security shall comply with Schedule 1 – Fencing Details. “Chicken Wire” type wire mesh is prohibited.

3.28.4 Maintenance/Staining.

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 approved by the ARC. Please refer to Schedule 2 for approved color palettes. Owners will still be required to submit their staining request to the ARC and this will be reviewed in-house with no additional submittal fee.

3.28.5 Additional Fence Requirements.

- a. Fence sections which front or abut any public or private street, another front yard, common walkway, greenbelt, park or non-urban area must be constructed so that the side of the fence which is generally accepted as being the most “finished” side or rail-side, fronts or abuts public or private streets, common walkways, etc. **The most effective method of accomplishing this is to construct the entire fence with the “finished” side out.**
- b. The ARC will require a transitional section of fencing, as applicable, where a fence adjoins a fence of any lesser height, for symmetry and aesthetics. Please refer to the fence details in Schedule 1.
- c. No electric fences are permitted (other than pet containment fencing installed below grade), and all wire installed (permitted only on the inside of the fence) must comply with the specifications in Schedule 1.
- d. 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.

- e. 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.
- f. Approval by the ARC shall not be deemed to constitute compliance with the requirements of any local building codes, development regulation or other applicable laws, and it shall be the responsibility of the Owner to comply therewith; nor does approval assure that a permit or approvals are not also required from applicable governmental bodies. For general information regarding building permits, contact the City.

3.28.6 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 Schedule 1 at such time as the fence is replaced, or whenever any repair is required or made to more than 25% of the existing fencing material.

3.28.7 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 Dog Houses, Section 3.21 and Dog Runs, Section 3.22.

3.29 Fire Pits

Approval is required for all permanent or built-in structures. Approval is not required for portable units.

3.30 Firewood Storage

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

3.31 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:

- i. The flag shall be no larger than 3'x5'
- ii. The American flag may be displayed in a window or from a flagpole projecting horizontally from a location on the front of the dwelling. Flagpoles shall be no larger than 5' in length

- iii. The owner shall replace the flag and/or flagpole as necessary in order to prevent wear and tear
- iv. 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 lots.
- v. An owner may display a service flag bearing a star denoting the owner'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 unit. The flag may not be larger than 9" by 16"

3.32 Garage Sales

Approval is not required. No garage, patio, porch or lawn sale shall be held on any residential site/lot except that the owner of any such residential site may conduct such a sale for up to three (3) consecutive days not more than twice in any calendar year if (a) the items sold are only his own furniture and furnishings, not acquired for purposes of resale; (b) such sale is held at such time and in such manner as not to unreasonably disturb any other resident of the area; and (c) such sale is held in full compliance with the requirements of all applicable law.

In order to maintain the highest level of community appearance, all signage for garage sales held as permitted above will be of "sandwich variety" (no posts which are driven into the ground). All signs will be uniform in size and color and will make it easy for those traveling the community visiting garage sales to locate the homes having the garage sales. Signs found not meeting the above criteria may be removed. Signs need to be removed when the garage sale is finished and all remaining items disposed of or stored out of view.

3.33 Garbage Containers and Storage Areas

See Trash Containers, Enclosures and Pickup, Section 3.85.

3.34 Gardens- Flower or Vegetable

Approval is not required for flower or vegetable gardens that do not exceed 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

3.35 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. Refer to the City for any additional requirements or permits that may be needed.

3.36 Grading and Grade Changes

See Drainage, Section 3.24.

3.37 Greenhouses

Approval is required. Generally, greenhouses will be 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.

3.38 Hanging of Clothes

See Clothes Lines and Hangers, Section 3.16.

3.39 Hot Tubs and Jacuzzis

Approval is required. Must be an integral part of the deck or patio area and of the rear yard landscaping. Must 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.

3.40 Irrigation Systems

Underground automatic irrigation systems will not require approval by the ARC but will require approval through the City. All homes must have an underground automatic irrigation system installed with the landscape. All irrigation systems should be designed by a landscape architect, designer or irrigation specialist to ensure water management and plant growth. The irrigation system must be designed so that water does not cross property lines and so the irrigation system is in complete compliance with the individual home's soil report recommendations, specifically with regard to the no-irrigation zone at the edge of the home's building foundation. All irrigation systems shall comply with the City Irrigation Ordinance and Zoning Code. For recommended irrigation system treatment, See Irrigation, Section 4.09

3.41 Kennels

Breeding or maintaining animals for a commercial purpose is prohibited. Also see Dog Runs, Section 3.22.

3.42 Landscaping

Approval is required. All homeowners must comply with applicable landscaping requirements of the City. Landscaping plans must be in accordance with the specifications shown in Schedule 4, and the approval of such plans shall be obtained prior to the installation of landscaping. The plot plan of the residence and yard must be provided at a measurable scale. All organic materials (plants, shrubs, trees, etc.), building materials (stone, wood, edging, etc.), must be clearly labeled in detail.

The lot landscaping should be designed to create a coherent environment which complements the overall community. Plant material should relate to the scale and character used in the community landscape areas and to the lot improvements. Particular attention should be paid to the functional aspects of planting design. Consideration should be given to the use of plants for screening, space definition, erosion control, glare reduction, dust control, and aesthetics. The use of drought tolerant plants is highly encouraged. This means that in the landscaping of each residential site, plant

materials, irrigation systems and maintenance practices should be utilized to conserve water, wherever possible. It should be noted that if Xeriscape landscaping is selected a more traditional "green" appearance can still be achieved. See Xeriscape, Section 3.97.

Landscaping must consist of trees, shrubs, ornamental grasses, 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 six feet (6') from the property line. Any exceptions will need to be submitted for ARC review and possible approval.

In the case of evergreen trees (conifer), plantings may not be installed closer than ten feet (10') from the property line. Any exceptions will need to be submitted for ARC review and possible approval.

- a. See the plant palette in Schedule 5 for recommended plants. **Thorny plants shall not be located within 20 feet of sidewalks or walkways.**
- b. Planting beds must be separated from turf by edging.
- c. Artificial Turf is not allowed in front yards.
- d. All landscaping shall include automatic irrigation.

3.42.1 Landscape Installation Schedule

- a. Landscaping of all yards shall be installed within one hundred eighty (180) days after closing on the property if the closing occurs during the growing season (April 1 to October 1 of the same year), or within (90) days during the next growing season if the property closes outside of this cycle. Extensions may be granted by the ARC upon receipt of a request by an owner (specifications will need to be provided as to why an extension is being requested).
- b. The owner shall install and thereafter maintain landscaping on the residential lot/site, including the area between the sidewalk and curb of the street, also known as the **"Street/Tree Lawn Area"**.

3.42.2 Landscape Maintenance

Each Owner shall maintain all landscaping on such owner's lot in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds and debris, and replacement of landscaping. This applies to the front, back, and side yards as well as the street/tree lawn area.

3.43 Latticework, Trellis, Arbors

Approval is required for any type of installation of latticework, trellis or arbor. Adequate framing is required. The inside height of a proposed arbor or trellis must not exceed 8 feet, 6 inches. Considerations will include, but may not be limited to, height, color and material. Arbors must be complementary to the residence. Professionally prepared plans for arbors are highly encouraged to expedite the approval process, otherwise a photograph or catalog picture must be provided. All

City codes must be followed.

3.44 Lights and Lighting

- a. Approval is not required for replacing existing lighting, including coach lights, with the same or similar lighting and style as originally installed.
- b. Approval is required to modify or add exterior lighting.
- c. Approval is required to install motion detector spotlights, spotlights, floodlights or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.).
- d. Considerations will include, but may not be limited to, the visibility, style and location of the fixture.
- e. 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).
- f. 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 plumb in their presentation.
- g. The addition of a front yard light post will be allowed with approval, please refer to Schedule 3 for additional guidelines.

Holiday lighting and decorations do not require approval. It is required that they not be installed more than 30 days prior to the holiday. They shall be removed within 30 days following the holiday.

3.45 Mailboxes

Mail is delivered to group mailboxes. Installation of individual mailboxes on lots is prohibited.

3.46 Maintenance of Property

No Units within the Property shall be permitted to fall into disrepair including, but not limited to, missing shingles, failure to maintain landscaping, worn and/or falling fencing and other damage to any privately owned site. All property, including improvements and landscaping thereon, shall be kept and maintained by the owners thereof in a clean, safe, attractive and in good condition. No trash, litter, junk, boxes, containers, bottles, cans, furniture, implements or machinery shall be permitted to remain upon any lot except as necessary during the period of construction. Lawns must be watered and maintained. Houses must be painted and repaired.

3.47 Motor Vehicles/Recreational Vehicles

All types of "Recreational Vehicles," including but not limited to trucks, trailers, mobile homes, detached camper units, utility and boat trailers, snowmobiles, race cars, watercraft or house trailers,

are prohibited from parking anywhere within the Property unless they fit entirely within an enclosed garage, except for the "temporary expedient of unloading, delivery or emergency." Three overnights (i.e., 72 hours) during a seven (7) day period for loading and unloading is allowed. Parking of a recreational vehicle for a period of time in excess of 72 hours in a 7-day period is prohibited, except as may be approved in writing by the ARC.

Periodic movement of the vehicle for purposes of circumventing this standard shall not qualify the vehicle for exception from this standard. Any "Recreational Vehicle," including but not limited to trucks, trailers, mobile homes, detached camper units, utility and boat trailers, snowmobiles, race cars, watercraft or house trailers shall not be parked, kept, stored or maintained on or adjacent to any open space area within the Property, except while temporarily engaged in loading or unloading of trucks or RVs not to exceed more than one (1) consecutive day. Vehicles in violation hereof shall be subject to ticketing and/or towing at owner's expense, as provided herein or by applicable law.

The purpose of the 72 hours is to load and unload, not to provide storage/parking for the unit. Recreational Vehicles must be stored/parked in the garage, off site, or as otherwise approved in writing by the ARC.

Vehicles shall not be parked on landscaped (i.e., rock, sod, mulch, plants, etc.) areas. Inoperable vehicles ("legally" and/or "mechanically") are not permitted to remain within the Property so as to be visible.

INOPERATIVE, UNUSED, UNREGISTERED OR ABANDONED VEHICLES: No inoperative, unused, unregistered or abandoned vehicle shall be stored, parked, maintained or kept upon any open area within the Property. "Inoperative, abandoned, or unused vehicle" shall mean any automobile, truck, motorcycle or motorbike which has not been driven under its own propulsion or has not been moved outside of the Property for a period of 2 weeks or longer. The foregoing restriction shall not include otherwise permitted vehicles parked by owners while on vacation or during a period of illness. Inoperative, abandoned, unregistered or unused vehicles shall be subject to ticketing and/or towing at owner's expense, as provided herein or by applicable law.

3.48 Ornaments /Art - Landscape/Yard

- a. Approval is not required if installed in "rear" yard and of a height less than three (3) feet.
- b. Any improvements greater than three (3) feet in height to be installed in a "rear" yard require approval.
- c. No more than three (3) small (less than 12 inches in height) "front" yard ornaments do not require approval, if ornament is at ground level, and color and design integrate into landscape. See Statutes or Fountains, Section 3.78

3.49 Overhangs/Awnings- Cloth or Canvas

Approval is required. An overhang should be an integral part of the house or patio design. The color must be the same as, or generally recognized as, a complementary color to the exterior of the residence. A swatch of material to be used must be provided with the review submittal. See also, Patio Covers, Section 3.51

3.50 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. Any changes to the color scheme must be submitted for approval and must conform to the general scheme of the community.

If you choose to use a different color on your home and/or accessory improvement, you will need to submit the Architectural Review Request Form with your color samples, with a general description of the colors of the next 4 houses on either side of your home. The ARC will not approve submittals without a description of neighbors' paint colors. Outlining the garage door panels in a contrasting color or in a checker board design is not permitted. 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. For example, if the trim was a different color than the doors and shutters originally, it should also be different in the submitted colors. Color selections should be submitted to the ARC in the form of manufacturer's paint chips. Please indicate which color chips are for trim, body and accent (doors and shutters) color. 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.

3.51 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.

3.52 Patios-Enclosed

See Additions and Expansions, Section 3.03.

3.53 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 25% of the entire rear lot of the home unless otherwise approved by the ARC. Also see Decks, Section 3.20.

3.54 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. Also see Driveways, Section 3.25.

3.55 Pipes

Exterior pipes, conduits and equipment require ARC approval. Adequate “screening” may be required. See Utility Equipment, Section 3.88.

3.56 Play Structures and Sports Equipment

Approval is required. Consideration will be given to adjacent properties (a min. 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 should 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-rainbow colored cloth/canvas tarps is discouraged. Height may not exceed 12’.

3.57 Playhouses

Approval is not required if a structure is less than 24 square feet and less than six feet high, from highest point to the ground. Otherwise, approval is required. See Accessory Buildings, Section 3.02.

3.58 Poles

See Flags/Flagpoles, Section 3.31 and Utility Equipment, Section 3.88.

3.59 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 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 4 feet (4’) from the ground plane.

3.60 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 are prohibited. One (1) wading pool, if less than 18 inches high and eight (8) feet in diameter, per property, is permitted on a temporary basis without prior approval, if placed in the “rear” yard. An additional permit(s) from the City may also be required. Also see Hot Tubs and Jacuzzis, Section 3.39.

3.61 Radio Antennae

See Antennae/Satellite Dishes, Section 3.07.

3.62 Radon Mitigation Systems

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

3.63 Roofing Materials

All buildings constructed on a lot should be roofed with the same or greater quality and type as originally used by the builder. Other materials require prior approval. Repairs to an existing roof with the same building material that exist on the home do not require prior approval.

3.64 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. Also see 3.75 Solar Energy Devices.

3.65 Satellite Dishes

See Antennae/Satellite Dishes, Section 3.07.

3.66 Saunas

See Accessory Buildings, Section 3.02.

3.67 Screen Doors

See Doors, Section 3.23.

3.68 Seasonal Decorations

Approval is not required if installed on a lot within thirty (30) days of the holiday, provided that one is keeping with the community standards, and provided that the decorations are removed within thirty (30) days of the holiday. See Lights and Lighting, Section 3.44

3.69 Sewage Disposal Systems/Septic Systems (Individual)

Will not be permitted.

3.70 Sheds

Approval is required. See Accessory Buildings, Section 3.02.

3.71 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. The shutters should be the same as the "accent" color of the home (typically the same as the front door or other accent details).

3.72 Siding

Approval is required. Vinyl siding will not be allowed.

3.73 Signs

Approval is required for most signs. One (1) temporary sign advertising property for sale or lease which is no more than three (3) feet in height and no more than two (2) feet wide, and which is conservative in color and style may be installed in the front yard or on the back yard fence of the lot of the property without approval; signs in windows will not be allowed. All other signs, including address numbers and nameplate signs must be approved. No lighted sign will be permitted unless utilized by the Developer and/or a Builder. One political sign per household may be placed in the front yard of the lot during elections. All political signs must be removed within 48 hours of said election. No signs may be placed on District property without the written consent of the District. A temporary trade sign pertaining to, but not limited to, contractors, landscapers, painters and roofers, may only be displayed while work is in progress, or not to exceed two months, whichever is less. This signage must meet the above specifications.

In an effort to maintain neighborhood aesthetics, it is requested that political signs not be displayed more than three (3) weeks prior to election.

Please also refer to the City Sign Code for any signs not covered as part of this section.

3.74 Skylights

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

3.75 Solar Energy Devices

Approval is required (Excluding landscape lighting) 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. This includes 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 homeowner's installation of such devices.

3.76 Spa

See Hot Tubs and Jacuzzis, Section 3.39.

3.77 Sprinkler Systems

See Irrigation Systems, Section 3.40 and Irrigation, Section 4.09.

3.78 Statues or Fountains

Approval is not required if they are installed in the rear yard and are at a height not greater than four (4) feet, including any pedestal. If the statue or fountain is proposed for the front yard, approval is

required, and the statue or fountain location should be located close to the main entrance of the house. See Birdbaths, Section 3.12 and Ornaments/Art – Landscape/Yard, Section 3.48

3.79 Storage Sheds

See Sheds, Section 3.70 and Accessory Buildings, Section 3.02.

3.80 Sunshades

See Overhangs/Awnings – Cloth or Canvas, Section 3.49 and Patio Covers, Section 3.51.

3.81 Swamp Coolers

See Air Conditioning Equipment, Section 3.06, Evaporative Coolers, Section 3.26, and Rooftop Equipment, Section 3.64.

3.82 Swing Sets

See Play Structures and Sports Equipment, Section 3.56.

3.83 Television Antennae

See Antennae/Satellite Dishes, Section 3.07.

3.84 Temporary Structures

The Covenants states that no structure of a temporary character, including, but not limited to, a house trailer, tent, shack, storage shed, or outbuilding shall be placed or erected upon any lot. However, during the actual construction, alteration, repair or remodeling of a structure or other improvements, necessary temporary structures for storage of materials or waste may be erected and maintained by the person doing such work. The work of constructing, altering, or remodeling any structure or other Improvements shall be diligently pursued from the commencement thereof until the completion.

3.85 Trash Containers, Enclosures, and Pick Up

Approval is required for any trash or garbage enclosure. Refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind may not be kept, stored or allowed to accumulate on any lot except in sanitary containers or approved enclosures. No garbage or trash cans or receptacles shall be maintained in an exposed or unsightly manner. All garbage or trash cans or receptacles shall be stored out of site (except that a container for such materials may be placed outside at such times as may be necessary to permit garbage or trash pickup.) **Trash containers may be placed on the street for pickup after 5:00 p.m. on the evening prior to the day that such trash is to be picked up.** Trash containers must be properly stored the evening of pickup.

3.86 Tree Houses

Will not be permitted.

3.87 Tree Lawn

All residence's landscape maintenance responsibility extends from the rear yard to the back of the concrete curbing at the street, even though the area between the walk and curb is within the street right-of-way. Therefore, homeowners are responsible for the maintenance of the area between the sidewalk and street (called the Street/Tree Lawn). Homeowners are not permitted to alter plant material installed by the Builder or Developer in the area between the curb and sidewalk (the "Street/Tree Lawn"), except to replace dead plant material with like material, or as otherwise approved in writing by the ARC. This includes no addition of shrubs, perennials, annual flowers, ground cover or hardscape materials within this street/tree lawn area other than for replacement of like material.

3.88 Utility Equipment

Installation of utilities or utility equipment requires approval. Under the Covenants, pipes, wires, poles, utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.

3.89 Vanes

See Weather Vanes and Directionals, Section 3.93.

3.90 Vents

See Rooftop Equipment, Section 3.64.

3.91 Walls

See Fences, Section 3.28.

3.92 Walls-Retaining

Approval is required. Front yard retaining walls shall not exceed 30 inches in height. In the side yard, retaining walls up to 30 inches high, with a planted slope above the wall, may be constructed with approval of the adjoining lot owner, if appropriate, and approval of the ARC. In no event shall rear yard retaining walls exceed 4 feet in height unless installed by the Builder or Developer. All retaining walls shall comply with applicable City requirements and not significantly alter the drainage patterns on the lot or adjacent properties (including District or public areas). Retaining walls shall be constructed with boulders, stone, brick or split face modular concrete block facing units and installed per manufacturer instructions. See Retaining Walls, Section 4.05.

3.93 Weather Vanes and Directionals

Approval is required.

3.94 Wind Electric Generators

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

3.95 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.

3.96 Windows: Tinting, Security Bars, Well Covers, etc.

- a. Approval is not required for window well covers that are manufactured with metal or plexiglass. All others will require ARC approval.
- b. 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.
- c. Security bars require Approval and may not be approved on second story windows and other windows visible to the street.

3.97 Work Involving District Property

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 obtained and the homeowner 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.

3.98 Xeriscape

Approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, the design must be approved. Xeriscape uses much less water than typical suburban residential landscape, but it does not mean that large areas of river rock or mulch will be allowed in place of green, growing plant material. A landscape that contains less than 45% sod in the "front" and/or "rear" yards, or "side" yards wider than 15 feet shall be considered xeriscape.

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IV. **LANDSCAPING**

4.1 General

The purpose of this section of the Guidelines is to help you prepare an appropriate landscaping plan for your home site. Careful landscape planning and design of your site will greatly enhance the ultimate appearance of the community. Also see Section III Specific Types of Improvements – Guidelines and Schedules 4 and 5 for more landscape guidelines.

4.2 Slopes

In some cases, there may be relatively steep slopes on an owner's property. It is important to note that if slopes are not landscaped severe erosion and silting may occur. Therefore, it is recommended that the homeowner install landscape on slopes as soon as possible after moving in. Terracing, or surfacing with stone or other free draining materials can lessen erosion of slopes. Loose aggregate or wood chips are not recommended on slopes unless measures are taken to prevent erosion or displacement by wind and/or water. Slopes can also be planted with ground covers or shrubs to prevent erosion. Select plants appropriate to drainage conditions. Rock gardens are another technique to help prevent slope erosion and create a landscape amenity. Slopes given proper design treatment can become an attractive, interesting part of the landscape.

4.3 Soils/Drainage/Grading

Your home may be constructed on "expansive soils." The prime characteristic of expansive soils is that they swell when water is introduced. The soil, in essence, acts as a sponge. When this expansion takes place, extreme pressures are exerted on foundations and other man-made structures, which are placed in the ground. The result can be severe structural damage to your home.

It is our intent to remind you that a potential hazard exists when proper drainage is not maintained and/or when water is introduced to these "expansive soils" adjacent to your foundation. When installing your landscaping, it is very important to insure 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 irrigation system and landscape must be designed so that it is in complete compliance with the individual home's soil report recommendations, specifically with regard to the no-irrigation zone at the edge of the home's building foundation.

Residents should investigate the existing drainage conditions and preserve and accommodate the drainage situation, which exists on their particular site at the time they purchased their home from the builder or other previous homeowner. See guidelines under "Drainage" in the listings of specific types of improvements. Minor drainage modifications may be made to your lot provided you do not alter the engineered drainage pattern of the lot existing at the time the lot was conveyed to you from the builder or the previous homeowner. Grading can be used to create berms, slopes and swales which can define space, screen undesirable views, noise and high winds. Berm slopes may not exceed 4 feet of horizontal distance to 1 foot of rise or vertical height (4 to 1 slopes) in order to permit greater ease of mowing and general maintenance.

4.4 Soil Preparation

Soil conditions may vary throughout the community. Individual soil testing is suggested for each lot to determine the exact nature of the soil and the desired level of amendment needed such as mulch, sand and fertilizer to optimize plant growth. Local nurseries may offer assistance in determining the proper quantity and type of soil amendment.

4.5 Retaining Walls

New or old creosote treated timber railroad ties are prohibited. Retaining walls may be used to accommodate or create abrupt changes in grade. Such walls should be properly anchored to withstand overturning forces. Stone walls should be made thicker at the bottom than at the top to achieve stability. To avoid destructive freeze-thaw action, all retaining walls should incorporate weep holes into the wall design to permit water trapped behind them to be released. Walls should **not** be located so as to alter the existing drainage patterns, and should provide for adequate drainage over or through (by means of weep holes) the wall structure. In no event shall rear yard retaining walls exceed 4 feet in height unless installed by the Builder or Developer. All retaining walls shall comply with applicable City requirements and not significantly alter the drainage patterns on the lot or adjacent properties (including District or public areas).

4.6 Climate

Typical climatic conditions of this area include low precipitation, low average humidity, variable winds, harsh sun and a fairly wide temperature range. Consider plant material with these conditions in mind.

4.7 Screening Views and Directing Winds

Plant materials can frame pleasant vistas such as views of the mountains. Less desirable views of adjacent land (e.g. highways) can be screened with dense coniferous plantings, earth mounds, fences or walls. High velocity winds can be effectively directed by dense planting.

4.8 Rockscapes

Boulders and cobbles present an attractive alternative landscape element if used sensitively within the overall landscape composition. Large expanses of rock mulch without substantial shrub or groundcover plantings are unacceptable. Stone or gravel mulch with harsh, unnatural or high contrast colors shall be prohibited, including the use of black granite, white marble and lava rock. Boulders used in landscaping must be native to Colorado and must be approved by the ARC.

4.9 Irrigation

The semi-arid climate makes watering necessary. Watering must occur per the City's permanent conservation measures. One of the most common tendencies is to over-saturate your lot; water must not run off landscaping per City requirements. We urge each homeowner to conserve water and as a result minimize problems on their own lots as well as on adjacent property owner's lots caused by over-watering. A lawn permit should be obtained for new lawn areas, which will allow proper watering for establishment. An automatic, underground irrigation system is required for every lot per the City. Irrigation must be designed per the City Irrigation Ordinance. An irrigation permit must be obtained from the City prior to installation of a new system or modification of an existing system.

4.10 Paved Areas

Paving may be used to define areas of intense activity and circulation patterns, such as patios, walks, and steps. Materials that can be used to create attractive patterns and textures are brick, flagstones, stepping stones, pre-cast patterned or exposed aggregate concrete paver or poured concrete. It is suggested that paving materials be earth tone colors when possible. Sufficient slope should be maintained in all paved areas to insure proper drainage.

4.11 Shade

Shade trees should be placed where they can shade the home or outdoor activity areas. Avoid shading a solar collector, or inhibiting the effectiveness of passive solar design measures both on your property as well as neighboring properties. For example, broad-leaved deciduous trees screen out the intense summer sun, but allow winter warmth to penetrate. Also, trees and shrubs should not be planted within existing drainage swales so as to block designated drainage patterns.

4.12 Landscape Materials

Deciduous trees, such as oaks, and evergreen trees, such as Austrian pines, provide summer shade or can be used as a windbreak. Evergreens provide good backdrops for displaying ornamental trees and contrasting flowers as well as providing a visual screen.

Shrubs such as junipers may be used as specimens or in masses. Shrubs can also be used in combination with trees as windbreaks or to add color and texture to the landscape. Low growing, spreading shrubs may be used as groundcover treatment and present an attractive method of reducing water consumption.

Ornamental trees such as flowering crabapples provide accent, color, and additional interest to the residential landscape and may be a more appropriate scale for small areas of a lot than large deciduous trees.

Groundcovers may play an important role in consolidating the surface of fine-grained soils to prevent erosion and sedimentation. They may be useful in place of a lawn, especially where they will also require less water than turf grass.

Vines may be used as a groundcover or as a shading element over a trellis or as a screen when planted adjacent to a fence. Please be aware of the damage some vines can do to the siding of a home and consider a free-standing structure for all vines adjacent to the home.

Garden flowers may be used as elements of seasonal color. Perennials and annuals should be considered.

Vegetable gardens may be integrated with planting beds.

4.13 Mulches

Mulches modify the extremes of soil temperature and improve soil by producing humus, and reducing evaporation loss. Mulches are typically used in shrub and groundcover beds and may consist of a variety of organic materials such as ground bark, wood chips, or pole peelings. Natural wood mulch has environmental advantages to plant material and its use is strongly encouraged. Stone or gravel mulch is also acceptable, however those with harsh, unnatural or high contrast colors shall be prohibited, including the use of black granite, white marble and lava rock.

4.14 Landscape Maintenance

Good consistent maintenance is essential for healthy plant materials. The following are some suggested maintenance considerations and ways of minimizing maintenance problems:

- A. Plant with regard to climate. Consider ultimate size, shape, and growth rate of species.
- B. Locate plants and irrigation heads out of the way of pedestrian-bicycle traffic and car bumpers.
- C. Provide simple guying systems for trees for a minimum of one year and wrap trees most susceptible to sun scald with burlap or paper during fall or winter months until they are greater than 4" caliper.
- D. Make provisions for efficient irrigation; drain and service sprinkler systems on a regular basis and conduct operational checks on a weekly basis to ensure proper performance of the system.
- E. Provide good soil mixes with sufficient organic material
- F. Use mulch to hold soil moisture and to help prevent weeds and soil compaction.
- G. Provide required fertilization, weed and pest controls etc., as required for optimum plant growth.
- H. Prune woody plants when needed. Never prune more than 1/3 of foliage.
- I. Space groves of trees or single trees to allow for efficient mowing.
- J. Locate plants with similar water, sun and space requirements together.
- K. Understand the mature height and width of plant material and locate them appropriately from fences, patios, decks and the house to accommodate growth.

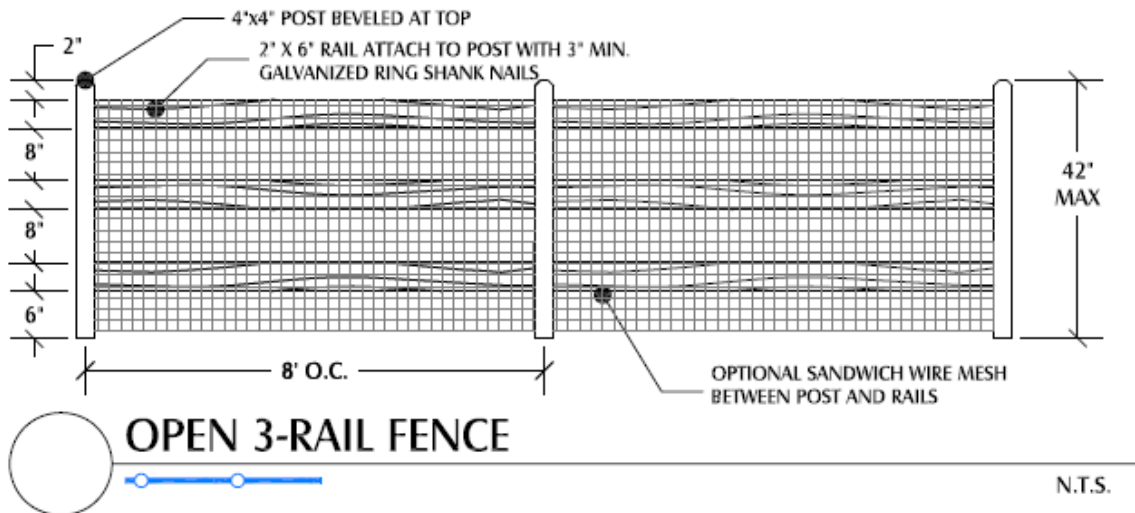
SCHEDULE 1

FENCE DETAILS

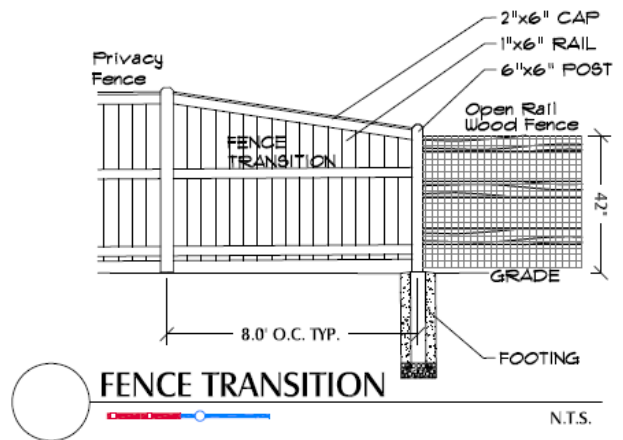
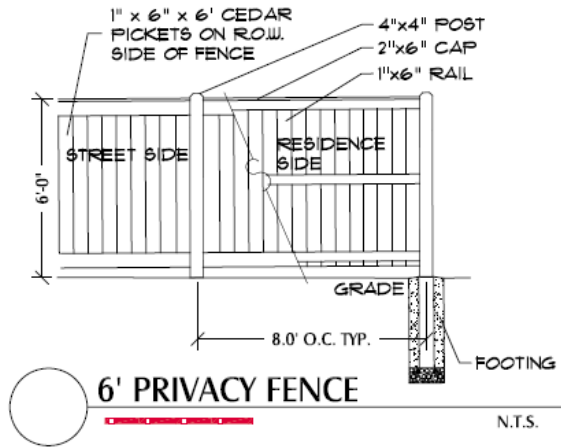
[See attached sheets]

1. Side yard fencing shall not extend beyond the front wall on Single Family Homes.
2. No fencing permitted along side lot line of the Patio Home (50' wide) lots. Fence starts at back corner of the Patio Home.
3. Front wing fencing between homes shall match the side yard fence type on Single Family Homes.
4. Wing fencing not permitted in front of the front wall plane of Single Family Homes. No front wing fencing permitted on Patio Homes.
5. All side yard fencing shall be placed a minimum of 12 inches from the adjacent sidewalk.
6. A transition fence will be required where a 6' high privacy fence meets a 42" open rail fence for Single Family Homes.
7. All Patio Homes shall be provided with only open rail fences on all sides of backyard.

ADJACENT TO OPEN SPACE



INTERNAL LOTS



SCHEDULE 2

APPROVED FENCE STAIN COLORS

CABOT



Natural
Natural



Heartwood
Heartwood



Cedar
Cedar

SHERWIN WILLIAMS



Baja Beige SW 3509
Baja Beige



Woodridge SW 3504
Woodridge



Spice Chest SW 3511
Spice Chest



Covered Bridge SW 3508
Covered Bridge



Cider Mill SW 3512
Cider Mill



Mission Wall SW 3501
Mission Wall

THOMPSONS



Natural Cedar
Natural Cedar



Honey Gold
Honey Gold



Nutmeg Brown
Nutmeg Brown



Rustic Red
Rustic Red



Desert Brown
Desert Brown

SCHEDULE 3

FRONT YARD LIGHT POST GUIDELINES

- Prior written approval is required for exterior lighting.
- Exterior lights must be conservative in design and be as small in size as is reasonably practical.
- Exterior lighting should be directed toward the ground and be of low voltage to minimize glare onto neighboring properties and the street.
- Soft, outdoor pedestrian-oriented lighting should be used of wooden standards with dark colored lighting fixtures so as to be less obtrusive.
- The light post should match or complement the architecture of the home in design, size, color, and finish along with any existing light fixtures.
- Light posts shall be located at an appropriate distance from the right-of-way and property line to minimize glare onto neighboring properties and the street and should be integrated into the natural or architectural features of the site.
- Light or lamp posts shall not be erected higher than 6' feet from ground level, unless approved by the ARC.
- All lighting should not be intrusive to neighboring properties and must meet all City requirements.

SCHEDULE 4

LANDSCAPE DETAIL

To maintain the integrity and aesthetics of the Trailside community, the following landscape standards have been adopted. The lot landscaping should be designed to create a coherent environment which complements the overall community. Plant material should relate to the scale and character used in the community landscape areas and to the lot improvements. Particular attention should be paid to the functional aspects of planting design. Consideration should be given to the use of plants for screening, space definition, erosion control, glare reduction, dust control, and aesthetics.

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. 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

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

*Planting beds must be separated from turf by edging.

See the attached plant palette for recommended plant material.

STANDARD 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. Front yard landscaping is pre-approved when installed by the builder. Any changes or additions to the front yard landscaping by the owner shall require prior approval by the ARC.

SIDE YARD

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, no plant material is required but mulches are needed for stability.

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 50% bed coverage in any rock/mulch areas that exist from the back corners of the home out to the back yard fence and/or property line. Bed coverage can be a mix of trees/shrubs/ornamental grasses/perennials/etc. Owners can decide what type of bed coverage they want to install.

Turf or xeric landscaping is not required except when the rear yard at a corner lot is exposed to public view, then it shall be landscaped with turf or xeric landscaping.

Natural turf shall be limited to no more than 45% of the area to be landscaped.

Artificial turf is only allowed in the rear yards with 6' surrounding privacy fence.

IRRIGATION - All landscaping shall include automatic irrigation.

PLANT PALETTE

COMMON NAME

BOTANICAL NAME

DECIDUOUS SHADE TREES

Autumn Blaze Maple	<i>Acer x freemanii</i> 'Autumn Blaze'
Western Catalpa	<i>Catalpa speciosa</i>
Western Hackberry	<i>Celtis occidentalis</i>
Autumn Purple Ash	<i>Fraxinus americana</i> 'Autumn Purple'
Cimmaron Ash	<i>Fraxinus pennsylvanica</i> 'Cimmaron'
Summit Ash	<i>Fraxinus pennsylvanica</i> 'Summit'
Skyline Honeylocust	<i>Gleditsia triacanthos inermis</i> 'Skyline'
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>
Swamp White Oak	<i>Quercus bicolor</i>
English Oak	<i>Quercus robur</i>
Greenspire Linden	<i>Tilia cordata</i> 'Greenspire'
Valley Forge Elm	<i>Ulmus americana</i> 'Valley Forge'

ORNAMENTAL TREES

Washington Hawthorn	<i>Crataegus phaenopyrum</i>
Prairiefire Crabapple	<i>Malus</i> 'Prairiefire'
Spring Snow Crabapple	<i>Malus</i> 'Spring Snow'
Canada Red Chokecherry	<i>Prunus virginiana</i> 'Canada Red'
Japanese Tree Lilac	<i>Syringa reticulata</i>

EVERGREEN TREES

Fat Albert Spruce	<i>Picea pungens</i> 'Fat Albert'
Pinon Pine	<i>Pinus edulis</i>
Limber Pine	<i>Pinus flexilis</i> 'Vanderwolf's Pyramid'
Bosnian Pine	<i>Pinus heldreichii</i> var. <i>leucodermis</i>
Austrian Pine	<i>Pinus nigra</i>
Ponderosa Pine	<i>Pinus ponderosa</i>
Southwestern White Pine	<i>Pinus strobiformis</i>

DECIDUOUS SHRUBS

Saskatoon Serviceberry	Amelanchier alnifolia
Crimson Pygmy Barberry	Berberis thunbergii 'Atropupurea Nana'
Butterfly Bush	Buddleia davidii
Blue Mist Spirea	Caryopteris x clandonensis
Mountain Mahogany	Cercocarpus montanus
Red Twig Dogwood	Cornus sericea 'Bailey'
Rock Cotoneaster	Cotoneaster horizontalis
Dwarf Burning Bush	Euonymus alatus 'Compacta'
Beauty Bush	Kolkwitzia amabilis
Oregon Grape Holly	Mahonia aquifolium
Cheyenne Mockorange	Philadelphus lewisii 'Cheyenne' Diablo
Ninebark	Physocarpus opulifolius 'Diablo'
Dwarf Ninebark	Physocarpus opulifolius 'Nanus'
Abbotswood Potentilla	Potentilla fruticosa 'Abbotswood' Coronation
Triumph Potentilla	Potentilla fruticosa 'Coronation Triumph'
Western Sand Cherry	Prunus besseyi
Three Leaf Sumac	Rhus trilobata
Golden Currant	Ribes aureum
Red Lake Currant	Ribes sativum 'Red Lake'
Flower Carpet Rose	Rosa varieties
Anthony Waterer Spirea	Spiraea japonica 'Anthony Waterer' Little
Princess Spirea	Spiraea japonica 'Little Princess'
Miss Kim Lilac	Syringa patula 'Miss Kim'
Common Lilac	Syringa vulgaris
Korean Spice Viburnum	Viburnum carlesii
Mohican Viburnum	Viburnum lantana 'Mohican'

EVERGREEN SHRUBS

Lena Broom	Cytisus x 'Lena'
Emerald Gaiety Euonymus	Euonymus fortunei 'Emerald Gaiety'
Spartan Juniper	Juniperus chinensis 'Spartan'
Arcadia Juniper	Juniperus sabina 'Arcadia'
Buffalo Juniper	Juniperus sabina 'Buffalo'
Oregon Grape Holly	Mahonia aquifolium
Globe Dwarf Spruce	Picea pungens 'Globosa'
Mesa Verde Spruce	Picea pungens 'Mesa Verde'
Mops Mugo Pine	Pinus mugo 'Mops'
Mugo Pine	Pinus mugo mughus

ORNAMENTAL GRASSES

Feather Reed Grass

Plume Grass

Blue Avena Grass

Maiden Hair Grass

Maiden Grass (Yaku Jima)

Metal Switch Grass

Switch Grass

Fountain Grass

Oriental Fountain Grass

Calamagrostis acutiflora 'Karl Foerster'

Erianthus ravennae

Helictotrichon sempervirens

Miscanthus sinensis 'Gracillimus' Dwarf

Miscanthus sinensis 'Yaku Jima' Heavy

Panicum virgatum 'Heavy Metal' Red

Panicum virgatum 'Shenandoah' Hardy

Pennisetum alopecuroides 'Hameln'

Pennisetum orientale

GROUNDCOVERS

Snow-in-Summer

Wintercreeper

Virginia Creeper

Showy Stonecrop

Hens and Chicks

Wooly Thyme

Periwinkle

Cerastium tomentosum Purpleleaf

Euonymus fortunei 'Coloratus'

Parthenocissus quinquefolia engelmannii

Sedum spectabile

Sempervirens sp.

Thymus pseudolanuginosus

Vinca minor