## RESOLUTION NO. 2018-04-04

## RESOLUTION OF THE BOARD OF DIRECTORS OF THE STONE CREEK METROPOLITAN DISTRICT ADOPTING THE DESIGN REVIEW GUIDELINES OF STONE CREEK RANCH

WHEREAS, the Stone Creek Metropolitan District (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado located in Douglas County, Colorado; and

WHEREAS, the District operates pursuant to its Service Plan approved by Douglas County, Colorado on September 23, 2014, as the same may be amended and/or modified from time to time (the "Service Plan"); and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power "to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district;" and

WHEREAS, WHEREAS, Choke Cherry Investors, LLC, a Colorado limited liability company (the "Developer") has caused to be recorded the Declaration Of Covenants, Conditions, And Restrictions Of Stone Creek Ranch, recorded on March 7, 2018, at Reception No. 2018013714 of Douglas County, Colorado, real property records, as the same may be amended and/or modified from time to time (the "Covenants") applicable to the real property within the District (the "Property"); and

WHEREAS, pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District's Service Plan, a metropolitan district may provide covenant enforcement within the District, if the declaration, design and landscape guidelines, or any similar document containing the covenants to be enforced for the area within the metropolitan district, name the metropolitan district as the enforcement and design review entity; and

WHEREAS, the Covenants provide that it is the intention of the Developer to empower the District to provide covenant enforcement services to the Property; and

WHEREAS, pursuant to the Covenants, the District may promulgate, adopt, enact, modify, amend, and repeal design and landscape guidelines concerning and governing the Property and the enforcement of the Covenants; and

WHEREAS, the District desires to provide for the orderly and efficient enforcement of the Covenants by adopting design and landscape guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE STONE CREEK METROPOLITAN DISTRICT:

1. The Board of Directors of the District hereby adopts the Design Review Guidelines of Stone Creek Ranch as described in **Exhibit A**, attached hereto and incorporated herein by this reference ("**Design Review Guidelines**").

- 2. The Board of Directors declares that the Design Review Guidelines are effective as of January 1, 2018.
- 3. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

[SIGNATURE PAGE FOLLOWS]

## [SIGNATURE PAGE TO RESOLUTION NO. 2018-04-04]

APPROVED AND ADOPTED on April 19, 2018.

STONE CREEK METROPOLITAN
DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

By

President

Attest:

Secretary or Assistant

## EXHIBIT A

## DESIGN REVIEW GUIDELINES OF STONE CREEK RANCH

## **Design Review Guidelines**

for

## STONE CREEK RANCH

OCTOBER 2017

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## **Section 1: Introduction**

## 1.1 Purpose and Intent

Stone Creek Ranch is a covenant controlled community. It is the intent of these Design Review Guidelines to unify the newly built community with the surrounding environment and neighborhoods, these Guidelines are important to the overall aesthetics of this community. The Design Review Guidelines ("DRG") set forth below have been adopted for this reason, and to help ensure the beauty, sustainability, harmony and consistency of the Stone Creek Ranch community, its homes and landscape.

The purpose of the DRG is to provide specific design criteria for developing residential lots at Stone Creek Ranch. The DRG, though not intended to be a full list of considerations, deal with a variety of elements that will be subject to review by the Stone Creek Ranch Homeowners Association, Inc.'s ("Association") Design Review Committee ("DRC"). A number of other restrictions are included elsewhere in the Association's governing documents, copies of which were provided to you during the escrow process. Homeowners, homebuilders and their consultants are encouraged to review the entire DRG to better understand the total design goal of the community. Please contact the Association's managing agent for additional copies of the Association's governing documents.

The DRC is responsible for all matters of design review for all lots within Stone Creek Ranch. Design review includes both architecture and landscape. If you are contemplating an exterior modification to your home or landscape, you must submit a written request and obtain DRC approval prior to performing any modification. Section 10.6 of the Declaration of Covenants, Conditions and Restrictions of Stone Creek Ranch ("Declaration") requires DRC approval for all property modifications. This includes exterior alterations to existing improvements and planting or removing existing landscape.

The regulations herein may be subject to revision over time. All development within Stone Creek Ranch must abide by the applicable criteria established by these DRG in addition to the zoning development standards established by the Douglas County Colorado and by the Stone Creek Ranch Declaration. In case of conflict or discrepancy, or for subjects not addressed in the DRG, the more restrictive guidelines, governing agencies, codes and/or regulations shall take precedence.

## 1.2 Community Concept and Character

Stone Creek Ranch is in a unique landscape setting. Cherry Creek runs through the middle of the community and the land is somewhat rural in character with natural growth of cottonwood, chokecherry, willow and other native Colorado plants. Wildlife in the area

includes red tail hawk, deer, fox and coyote. The community design concept for Stone Creek Ranch provides for residential homes to be linked by public roadways and pedestrian walks to the Cherry Creek Trail and Open Space area.

## 1.3 Relationship of the Landscape Design Standards to Other Regulations

The DRG are to be used by homeowners, homebuilders and their design consultants as a guide and framework for their efforts to develop landscapes within Stone Creek Ranch. The DRG are also to be used by homeowners when modifying or upgrading landscaping on individual properties within Stone Creek Ranch.

The DRG will also be used by the DRC in reviewing proposals and determining their relative conformance to the overall design objectives and criteria.

The DRG are intended to cover each site-specific or lot-specific issue, and community issues such as edge treatments and relationships to adjacent land uses. The DRG are to be used in conjunction with the recorded Declaration.

## **Section 2: Landscape Design**

## 2.1 Purpose and Intent

The landscape within Stone Creek Ranch should provide a sustainable, unified landscape network and should have compatibility with adjacent properties, the project's streetscape, and ultimately transition into perimeter landscaping. The DRC reserves the right to require landscape components as a part of the architectural approval, if in the opinion of the DRC, the architectural design needs specific assistance to meet the intent of the design standards. It is the intent of the criteria to perpetuate a residential landscape, which maximizes the use of water efficient/drought tolerant planting materials and landscape areas. Irrigated blue grass lawns should be used sparingly, see Section 2.6. Homeowners should consider alternative lawn options such as RTF Water Saver Sod, Bluegrass hybrids, Buffalo Grass or even a native grass such as Blue Gramma. Landscape locations within a homeowner's lot must also conform to the Pinery Water & Sanitation District requirements which include: a.) No more than sixty (60%) percent of the total landscaped area of a lot shall include irrigated turf, and b.) No more than 6,000 square feet of irrigable landscape material shall be installed or irrigated on any lot.

## 2.2 Landscape Requirements

The use of drought tolerant plants is highly encouraged and a mix of deciduous, evergreen plants and grasses will add seasonal interest. Water conservation methods of xeriscape

plantings, irrigation methods and maintenance should be used. Prohibited trees include Poplars, Silver Maple and Russian Olive. The Stone Creek Ranch landscape utilizes a low water native plant palate, see Exhibit A for the "Recommend Plant List".

## 2.3 Utility Location Requirements

In making any improvements to a property, the homeowner is responsible for locating water, sewer, gas, electrical, cable television, phone or any other utility lines or easements. The homeowner should not construct any improvements over such easements without consent of the utility involved, and the homeowner will be responsible for any damage to any utility lines. Underground utility lines and easements can be located by contacting:

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

## 2.4 Landscape Plan Submittal

Builder installed landscaping plans are pre-approved but must meet the minimum standards listed below. Homeowner must submit landscape plans to the DRC for approval prior to installation. The landscape plan shall include a plant schedule including common, botanical names, quantity and sizes of all plant materials. In addition, landscape plans shall accurately show property lines, easements and setbacks. Landscape plans shall include all proposed improvements such as fencing, decks, retaining walls, gazebos, arbors, built-in barbecues, hot tubs, etc. See Exhibit D, Design Review Request Form for Landscape Plan Submittal.

## 2.5 Timing of Landscape Installation

The homebuilder shall install all front and partial side yard (the area between the front yard and the wing fences) landscape, irrigation and side yard wing fencing within 90 days of homeowner taking occupancy or within 8 months if occupancy date is after September 1. Landscape and irrigation is to be installed by each respective homebuilder as part of the homebuilding process in accordance with the Lot Typical Landscaping templates attached hereto as Exhibit E.

The homeowner shall install rear yard and remaining side yard landscape and irrigation within 90 days of occupancy of the home between March 1 and September 1, or within 8 months if occupancy date is after September 1. If the homeowner does not install the landscape within this time frame, they may be susceptible to a fine from the Association.

## 2.6 Plant Material, Planting Requirements and Guidelines

vinyl permitted

The homebuilder shall install at minimum the front yard and partial side yard landscaping including the irrigation system, sod, shrubs and trees. All lots front yard landscape will require a minimum of one (1) -2%" caliper deciduous tree or one (1) 8' tall evergreen tree and ten (10) -5 gallon shrubs. All corner lots require an additional one (1) -2%" caliper deciduous tree or one (1) 8' tall evergreen tree in the side yard area facing the street.

In place of a deciduous tree, one - 1% " caliper ornamental tree may be planted, see min. sizes below

In place of one (1) 5-gallon shrub, three (3) – 1 gallon ornamental grasses may be planted.

All plant/landscape material shall be installed per the following minimum sizes and specifications:

Deciduous trees – 2½" caliper
Ornamental trees – 1½" caliper or 6'-8' height multi-stemmed
Evergreen trees – 8' height
Shrubs – 5-gallon container
Ornamental grasses - 1-gallon container
Perennials – 1-gallon container
Bark or rock mulch – minimum depth 3"
Edger – may be a steel edger with rolled top edge or concrete form edging, no

Rear yard landscape by the homeowner 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 coverage of 50% at inspection and 75% at maturity. Turf areas shall be limited to no more than 50% of the area to be landscaped. Not more than 50% of a front yard or rear yard landscape may be bark or rock mulch. Artificial turf is allowed in rear yards.

Internal side yards may be covered with rock or bark mulch and no plant material is required. External side yard exposed to public view shall be landscaped with shrubs and/or ornamental grasses at a minimum rate of six (6) 5-gallon shrubs along the side yard.

Landscape rocks and boulders are permitted, they must be integrated into the design to look as natural as possible. All landscape rocks and boulders should be buried at least 1/3 of their mass.

Lawn areas should be kept at least six (6') feet away from the foundation of the home or as recommended by a professional soils engineer or landscape professional, to ensure proper drainage is maintained. Drip irrigation should be no closer than three (3') feet away from the foundation.

No trees may be planted within utility easement areas, unless approved by the utility company(s) beforehand.

Gas meters, air conditioning units, etc. must be screened from public view with plantings. Evergreen trees or shrubs are encouraged to provide year-round screening. Waivers may be obtained for screening gas meters and air conditioning units based on review and approval of the DRC. Waiver requests will be reviewed by the DRC on a case by case basis.

All beds are to be mulched with 3" depth mulch, either rock or bark. Rock mulch shall be earth tones in color. White, red or black rock is not permitted.

## 2.7 Site Drainage and Grading

Natural drainage patterns provided on your lot prior to occupancy must be retained and respected during the landscaping installation and following completion. All structures and landscape elements must be placed on the property so that the existing topography is disturbed as little as possible. Grading plans must conform to the approved Stone Creek Grading and Drainage Plan and the Grading Certificate applicable to the homeowner's lot. Newly graded areas must be protected against erosion, allow 10% slopes away from the residence (or whatever the geotechnical engineer recommends) for at least seven (7') feet. Occasionally, reducing the 10% is permitted by geotechnical engineer and may be necessary to solve grading/drainage issue. Location of topsoil stockpiles, barrow pits on site, and excess material disposal areas are subject to DRC approval. Homeowners are encouraged to utilize soils engineers and landscape professionals to help ensure that proper drainage is maintained.

## 2.8 Rooftop Precipitation Collection

Colorado House Bill 16-1005, effective August 10, 2016, now allows "the use of rain barrels to collect precipitation from a residential rooftop for non-potable uses". As part of a sustainable landscape approach, Stone Creek Ranch residents are encouraged to use rain barrels for non-potable or landscape irrigation. Use of rain barrels must comply with the Colorado State law and utilize best management practices. The law states that up to 2 rain barrels with combined storage capacity of 110 gallons are allowed. Information on rooftop precipitation collection may be viewed on the State of Engineer's website, refer to Section 37-96.5-103.

## 2.9 Irrigation

Automatic irrigation systems are required for constructed landscape areas on all lots. An irrigation design professional should be consulted to provide an efficient watering system that promotes healthy plant growth and minimizes water loss due to run-off and evapotranspiration. All turf areas shall be spray irrigated, all plants in bed areas shall be irrigated with drip, micro-spray or bubbler systems. All irrigation to be automatic underground system design.

## (a) General Design Considerations

- All landscape areas shall be maintained on an automatic irrigation system.
- Introduction of irrigation water, by overspray, run-off, or other means, to areas within existing drip lines under native trees shall be avoided.
- Valve or other flush-mounted boxes shall match the color of the ground surface (tan to match soil color or green when in turf).
- Locate valve boxes, flush caps, wall-mounted or above-ground equipment, and the like in inconspicuous areas of the site and out of drainage swales, and set boxes on flat ground to minimize visibility.
- Paint free-standing or wall-mounted equipment to match the exterior color of the house or the walls on which they are mounted.

## (b) Valves

- Different plant species require varying amounts of water and frequency of application.
- Proper valving can significantly reduce maintenance and water costs. Separate valves should be considered for trees, low-water-use shrubs, ornamental shrubs, turf, annual flowers or pots.
- Additional valves should be considered to accommodate exposure differences.
   For example, most plants located in shady zones will require less water than the same plants placed in an exposure that receives full sun.

## (c) Turf Irrigation

Spray irrigation is limited to turf areas only.

- If rotors and low trajectory type heads are utilized to irrigate turf areas, provide separate valves for each to maximize control and efficiency of the system.
- Runoff into streets, onto sidewalks, onto neighboring properties, or into natural areas not previously part of the site drainage pattern is prohibited.

## 2.10 Landscape Maintenance

Each homeowner is required to maintain the landscape on his or her lot in a neat and attractive condition and in such a manner that it does not become visually unattractive, overgrown, or otherwise not in keeping with the DRG. Minimum maintenance requirements include watering, mowing, edging, pruning, removal/replacement of dead or dying plant materials, removal and/or elimination of weeds and noxious grasses, treatment of diseased plant material and removal of trash. The Association and the DRC reserves all rights to cause the maintenance of the landscape in accordance with these DRG including the imposition of fines.

## 2.11 Fencing

Fencing at Stone Creek Ranch is subject to review and approval by the DRC. Private lot fencing is allowed to provide a sense of security and confinement for family activities and pets. "Invisible" type fencing, buried beneath the surface of the ground on private lots is also allowed. All private lot fencing, including any "invisible" fencing must be approved by the DRC prior to any work being done. All fencing to be installed or replaced shall be consistent with the Fencing Masterplan shown on Exhibit B. All fencing shall be installed or replaced with same fence style, material, color and specifications shown on the Fencing Masterplan and shall be subject to DRC review prior to installation. Homeowners or Builders shall have the option of installing 5 ft. privacy fencing for internal wing, side and rear fences with the approval of the DRC. The Three Rail Fence shall be National Vinyl Products-Ranch Rail Style -Sand Color and the 5-ft. privacy fence shall be National Vinyl Products-Solid Privacy Style- Sand Color. In the event these specified fences are not available, then the DRC shall specify a replacement fence specification.

Removal of the perimeter fence to access a lot is not permitted.

The fencing design at Stone Creek Ranch is part of the Zoning approval by Douglas County, Colorado in addition to being endorsed by the DRG. Therefore, there are no allowed variations in fencing design or height. See Exhibit B for required fence and gate designs.

Rear yard gates are prohibited.

## 2.12 Retaining Walls

Retaining walls should be aesthetically pleasing and blend in with the surrounding landscape, walls should be constructed of durable materials. All retaining wall information including location, height and materials, must be shown on the Landscape Plan Submittal and will be subject to review by the DRC. See Exhibit C for retaining wall details.

Allowed retaining wall materials include nature stone boulders, concrete block (earth tone colors), concrete with brick or stone veneer and heavy, water resistant timbers. Wall must not exceed four (4') feet in height unless it is designed by a structural engineer and provides adequate fall protection. All walls must be review by the DRC for approval. Terraced walls should include plantings to reduce visual impact.

Retaining walls must not adversely affect adjoining properties and shall comply with the Stone Creek Grading and Drainage Plan.

Maintenance, repair or removal cost associated with retaining walls are the responsibility of the homeowner.

## 2.13 Play Areas

Play structures including playhouses, swing sets, etc. shall be located in the rear or side yard and will be reviewed on a case by case basis by the DRC. All play structures shall be maintained in a good and slightly manner. See Section 8 for additional details.

## 2.14 Driveway Extensions

No additional driveway concrete slabs are permitted, unless approved by the DRC.

## **Section 3: Signs**

Unless permitted in the Declaration, no sign of any kind shall be displayed to the public view on any part of a lot or home, except:

- one (1) professional sign to advertise a dwelling for sale, lease or for an "Open House" showing by a realtor. Such sign shall not exceed a total of six (6) square feet.
- one (1) sign indicating protection by security system. Such sign shall not exceed a total of two (2) square feet.
- one (1) "neighborhood watch" sign. Such sign shall not exceed a total of three (3) square feet.

Standards relating to dimensions, color, style and location of such signs must also comply with local sign codes and with all other applicable statutes, ordinances and regulations.

Any and all signs must be placed at least two (2') feet into the yard from the sidewalk.

Except as specifically permitted in the Declaration, no signs shall be permitted in common space areas.

## Section 4: Flags/Banners

Unless permitted in the Declaration, no flag or banner of any kind shall be displayed to the public view on any part of a lot or home, including during the period when a home is for sale. The only exceptions are the American flag and military service flags. The American flag may be displayed on the property, in windows and on balconies if the display complies with the Federal Flag Code, 4 U.S.C. 4 to 10. Service flags with a star denoting the service of the homeowner or a member of the homeowner's immediate family in the active or reserve military service during a time of war or armed conflict may be displayed on the inside of a window or door of the homeowner's residence. Service flags can be no larger than 9 (nine) inches by 16 (sixteen) inches in size. Service flags may be displayed inside of a window or door only.

## Section 5: Exterior Holiday Decorations

The intent of this section is not to discourage decorating for holidays, but only to maintain a standard of quality fitting with a community like Stone Creek Ranch. Holiday decorations are considered gifts to the street, and, as such, should be subtle, soft, and tasteful. Decoration displays should not have a commercial appearance and should not be "overdone." The DRC reserves the right, in its sole opinion, to prohibit any holiday decorations deemed inappropriate for the image of the community.

The following criteria should be followed:

- Cut evergreen trees and/or decorated Christmas trees are not permitted outside the exterior of the home, except when located in private courtyards.
- No exposed spotlights are allowed. Avoid excessive light pollution at night.
- Luminaries may be placed along driveways and patios, but not on roofs or parapets. Paper luminaries with candles are discouraged due to potential fire danger. Care must be taken that paper luminaries do not blow away or litter adjacent properties.

- Exterior holiday music is not permitted, except for that which is played for personal and social enjoyment within the outdoor living spaces or which may otherwise be approved by the DRC.
- Christmas holiday decorations may be displayed only between Thanksgiving and January 10th.
- Decorations for any other holiday may be displayed no more than two (2) weeks prior to the holiday and must be removed within one (1) week after the holiday.

## Section 6: Basketball Backboards, Poles and Support Structures

Basketball hoops and backboards are exterior improvements and must be approved by the DRC prior to installation.

Basketball hoops/backboards may not be permanently attached to the front elevation of any home. Portable basketball hoops/backboards are acceptable but must be placed in such a manner that they do not block sidewalks and cannot be placed in streets and must be removed within 48 hours when not in use and stored out of public view. Violations will be considered an unauthorized improvement to the exterior of the home.

## Section 7: Sheds/Trash Cans & Pick-Up Policy

## 7.1 Sheds

No accessory buildings other than a storage shed shall be allowed on any lot unless integrated into the character of the overall yard/landscaping.

- Prior to construction or placement of any storage shed, a complete set of building plans with a sitemap showing dimensioned location of the proposed storage shed, adjacent fences, and the adjacent home must be submitted to the DRC for approval.
- All storage sheds may also require a Douglas County, Colorado building permit.
- Only one (1) storage shed per lot is allowed.
- Storage sheds must maintain the character of the surrounding neighborhood and architecturally resemble and be constructed of like or similar materials as the

existing principal building (i.e., same color for trim, body, and shingles as the residence.)

- Prefabricated or corrugated metal, cinder block, plastic, vinyl, canvas or similar material buildings are prohibited.
- Building on easements is prohibited.
- The front setback shall be the same as the adjacent home. The side and rear setbacks shall be the same as the adjacent home. The side and rear setbacks shall be a minimum of three (3') feet from any adjacent property line, but may not encroach into any easements.
- Storage sheds may be integrated into the main building or garage but must be located within the rear yard. All storage sheds shall be kept well painted and maintained.
- Maximum height shall not exceed 12 feet at the peak of the roof. Storage sheds shall not exceed one hundred-fifty (150) square feet in size. All storage shed plans shall be reviewed by and require the approval of the DRC.

## 7.2 Trash & Pick-up Policy

Residents of Stone Creek Ranch may only leave covered trash containers, cans and receptacles out for curb side pick-up no earlier than 5 PM the day before scheduled pick-up service and same shall be stowed/stored out of public view no later than 11 PM the day of scheduled pick-up service. Trash containers, cans and receptacles must be permanently stored in a manner so they are not visible from the street, i.e. behind a screen fence, plantings or in a garage.

## **Section 8: Play Equipment**

## 8.1 Play Equipment

All play structures must be submitted to the DRC for approval prior to being installed. The DRC request must include the location of the play structure in the backyard. The play structure must not exceed twelve (12') feet in height. Play structures must be made mostly of natural materials. Covers, tents, awnings, or flags must be submitted for approval. Play structures must be neutral in color. No portion of the play equipment, as utilized, may be located or extended closer than five (5') feet to the property line of the lot it is being utilized on.

## 8.2 Trampolines

All trampolines must be submitted to the DRC for approval prior to being installed.

- Where possible trampolines should be installed in-ground. Above ground trampolines must be anchored securely. Homeowner will be required to provide proof of adequate anchoring to the DRC.
- Trampolines and safety nets must be fully screened with mature plant material on the side facing the street.
- Plans submitted must include size and height of trampoline and net.
- Plans must also include heights and diameters of all screening plant life to be planted around the trampoline.

## **Section 9: Dog Runs and Pet Enclosures**

All dog runs, pet enclosures and similar structures must be submitted to the DRC for approval prior to being installed.

- Dog runs, pet enclosures and similar structures shall be designed as integral elements to the home.
- Fencing or wire-type mesh must be framed or encased in architectural elements that tie into the architectural character of the home and shall not exceed five (5') feet in height. No chain-link style fence is permitted to be used as part of a pet enclosure.
- Dog runs and pet enclosures may not appear as freestanding elements or arbitrarily tacked-on structures. Such structures must be located in the rear yard and in compliance with the building setbacks for the lot.

## **Section 10: Exterior Fireplaces**

All exterior fireplaces, fire-pits and similar structures must be submitted to the DRC for approval prior to being installed.

Gas fueled fireplace (including two-sided fireplaces shared with finished indoor living space) and fire pit features are permitted. Homeowner must obtain all necessary permits prior to installation. Gas fire pits and fireplaces must meet local building codes.

Wood burning fireplaces or fire pits are prohibited.

Exterior fireplace design should complement the architectural style, materials and colors of the home and conform to the following guidelines:

- Exterior fireplaces and/or fire pits must be contained within the rear yard.
- Internally mounted spark arrestors should be considered a part of the finished design.
- A fireplace or fire pit shall be located a minimum of five (5') feet from any property line.
- A fireplace or fire pit taller than six (6') feet shall be located a minimum of ten (10') feet from any fence.
- Any freestanding exterior fireplace, including the chimney, shall not exceed a height of ten (10') feet as measured from the adjacent finished grade of the lot.

## **Section 11: Barbecue Grills and Outdoor Cooktops**

Fire safety measures shall be adhered to in locating and supervising barbecues on lots. No barbecue shall cause a threat of fire or expose adjacent lots to unnecessary smoke.

All built-in barbecue units and outdoor cooktops must be submitted to the DRC for approval prior to being installed. Homeowner must obtain all necessary permits prior to construction; barbeque grills must meet local building codes.

Built-in barbecue units must be contained within the rear yard and must be designed to integrate with the design of the home and conform to the following guidelines:

- Barbecues shall be located a minimum of five (5') feet from any property line.
- A barbecue taller than six (6') feet shall be located a minimum of ten (10') feet from any property line.
- Any freestanding exterior barbecue, including the chimney, shall not exceed a height of ten (10') feet as measured from the adjacent finished grade of the lot.

## Section 12: Antenna/Satellite Dishes

The DRG recognize and adhere to all local, state and federal regulations concerning antennas and satellite dishes, and no-one will be denied the use of a recognizable system.

Large satellite dishes will be prohibited in favor of the smaller (18") varieties unless otherwise approved by the DRC.

Inconspicuous locations under the eaves are encouraged. Location above the eaves of the roofs is generally not necessary for dishes; however, locations over the home's entry or other conspicuous places will not be permitted. Connection cables should be hidden or located in a non-obtrusive location, and should be colored to blend with the color of the home. Line of sight aerials will be allowed.

DRC approval will be required for more than one satellite dish, antenna or any combination thereof.

## **Section 13: Lighting**

In an effort to minimize unnecessary light pollution, exterior lights should generally be turned off by manual or automatic methods by midnight, and should generally be turned off completely during extended times in which the home is not occupied.

The following guidelines apply to exterior lighting installations:

- With the exception of indirect lighting, all exterior lighting requires DRC approval prior to installation
- Exterior lighting must be soft and indirect in white or yellow bulbs. Other colored bulbs will only be permitted to be used for holiday decorations
- Outdoor spotlights attached to homes must be focused downward, and shielded, if necessary. Spotlights, floodlights or similar type-high intensity lighting shall not be placed or utilized upon any portion of the lot which will direct light or produce excessive glare to any other residences or to the common areas or any part thereof, without DRC approval.
- Lighting elements must not adversely affect neighboring properties
- Landscape and accent lighting must be low-voltage, and shall not become a nuisance to neighbors
- String or rope lighting that is visible from the street, common areas or neighboring properties is considered to be "holiday decoration" lighting, and is subject to the DRG set forth for holiday decorations

## **Section 14: Solar Devices**

The Association recognizes your right to install solar energy devices on your lot under Colorado law. For purposes of these DRG, solar energy devices include solar panels and thermal water heating panels ("Solar Devices").

Colorado Revised Statutes 38-30-168 addresses the authority of a community association to regulate the installation and use of Solar Devices.

Solar Devices shall be submitted to the DRC for approval and must comply with the following guidelines, to the extent that they do not impair the functioning of the Solar Device, or adversely affect the cost or efficiency of the Solar Device:

- Solar Devices may only be placed on property that you own. They may not be installed or encroach on any portion of Association common area or the property of another owner
- Solar Devices must be placed in the back yard or on a portion of the roof facing away from the street so as not to be visible from neighboring property
- Solar Devices must be shielded from view so as not to be visible from neighboring property to the maximum extent possible. The landscaping or structure used to shield the solar energy device must be approved in advance by the DRC.
- It is recommended that roof-mounted Solar Devices should consist of black or dark colored materials or a color to match the existing roof of the house to the maximum extent possible
- Solar Devices must be an integrated part of the roof design and mounted directly to the roof plane. Solar Devices must not break the roof ridgeline.
- Solar Devices must comply with all applicable town, county and state laws, regulations and codes. The Association must be provided with a copy of any applicable governmental permits, if requested.
- Placement and installation must be pursuant to the manufacturer's instructions
- To protect against personal injury and property damage, Solar Devices may not be placed in a location where they may come into contact with a power line, must be properly grounded and secured and may not block or obstruct and driver's view of an intersection or street
- All Solar Device installations must be approved by the DRC prior to installation.

## **Section 15: Window Coverings**

Stone Creek Ranch homeowners are required to install window coverings within sixty (60) days of taking title to their lot.

- Window coverings must be a neutral color that blends with the exterior of the home, such as white, off-white, light beige, or wood tones.
- The tinting of exterior windows is subject to prior DRC approval. Reflective glazing, silver foil or similar sun screening material is not permitted.

## Section 16: Decks

Decks should be incorporated to blend and compliment the architecture of the home, all decks or deck improvements or modifications will be subject to DRC approval prior to construction and must meet all local building codes.

Modification or alterations to homebuilder installed decks must incorporate the same materials, colors and detailing as the homebuilder's or approved existing deck. Synthetic decking material such as Trex or other engineered composite wood products are preferred. Decks must be kept in good condition and maintained in an attractive manner.

## **Section 17: Pergolas and Gazebos**

A pergola is a feature with an open lattice or framework that may or not be attached to a house, which provides both shade and or an aesthetic feature with or without climbing plants. Occasionally, a temporary seasonal fabric cover is incorporated in the pergola. Pergolas and gazebos must be kept in good condition and maintained in an attractive manner. A pergola must be approved by the DRC and meet the following standards:

- Compliment the house color and materials
- Maximum height of ten (10') feet
- Must be constructed entirely outside of easements, may be constructed outside building setback if approved by the DRC and permitted by the local authority
- Homeowner must obtain all necessary building permits and comply with local building codes

A gazebo is an accessory building which is detached, permanent, decorative and used as a seasonal gathering place. Gazebos must be approved by the DRC and meet the following standards:

- Compliment the house color and materials
- Maximum height of thirteen (13') feet
- Must be constructed entirely outside of easements, may be constructed outside building setback if approved by the DRC and permitted by the local authority
- Homeowner must obtain all necessary building permits and comply with local building codes

## Section 18: Water features, Fountains, Sculptures and Art

Artificial vegetation, exterior sculptures or similar items shall not be permitted in the front yard or visible from the street view. Removable water features, fountains, sculptures or art under five (5') feet tall are permitted in the rear yard without DRC approval. Items in excess of five (5') feet tall in the rear yard require DRC approval. Any permanent water feature on the lot or removable water feature in the front yard must be approved by the DRC prior to installation.

## **Section 19: Design Review and Approval Procedure**

## 19.1 Submission of Plans by Homeowners

Plans and specifications for proposed designs must be submitted to the DRC as specified in the Declaration, and according to the following submittal and review procedures.

The DRC shall conduct a review and respond no later than thirty (30) days after receipt of complete submittal.

Should the plans be approved, the homeowners may apply for the appropriate building and/or governmental permit(s), and when approved, begin construction.

In the case of disapproval, the re-submittal of plans shall follow the re-submittal procedure.

## 19.2 Plan Submittal and Review

A Design Review Request form including copies of the plans and specifications must be submitted for approval. That form is included as Exhibit D to these DRG.

## Each DRC submittal shall include:

- An approximate time schedule indicating starting and completion dates
- Two 11" x 17" copies of the landscape plan using a 1" = 10' scale, containing the following:
  - a) all existing conditions including house, garage, walks, driveways, patios, decks, walls, property lines and easements
  - all proposed landscape improvements, including but not limited to: walls, patios, structures, hot tubs, gazebos, water features, irrigation, shrubs, trees, perennial and annual beds, and quantity, size and type of all trees and shrubs

Approval by the DRC shall be issued in writing.

Construction shall not commence until all of the above requirements are satisfied.

## 19.3 Resubmittal of Plans

In the case of disapproval of any submission, the resubmittal of plans will follow the same procedure as an original submittal.

In the event a decision by the DRC is felt to be unjust, the homeowner can submit a written request to the DRC for reconsideration:

- Such request must be made within thirty (30) days of the notification date of the DRC's original decision.
- The request should contain an explanation of why the decision is felt to be unjust, as well as any additional material that would be helpful to the DRC in reviewing the situation.
- A meeting of all parties concerned may be arranged when warranted, and the
  decision of the DRC at any such meeting or after reviewing this material will be
  final.

## 19.4 Accuracy of Plans

Any owner submitting plans for approval to the DRC shall be responsible for the verification and accuracy of all lot dimensions, grade, elevations, and the location of the key features of the natural terrain. Each owner shall certify to the accuracy of that before the DRC will undertake its review.

## 19.5 Work in Progress

The DRC may inspect all work in progress and give notice of non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval of the DRC of work in progress or compliance with these DRG or the Declaration.

If, during construction, changes occur to an improvement which cause it to be significantly different from the approved documents, a request for approval of these changes shall be submitted to the DRC in the following manner:

- A written statement giving the reason such changes are desired
- A complete description of the change, including drawings, specifications and any other descriptive material required by the DRC

In case of disapproval of the changes, resubmission of plans or request for a special hearing shall be in accordance with Section 19.3, above.

The DRC, or its duly authorized representative, shall have the right to inspect any improvement prior to, during or after completion.

## 19.6 Non-liability of the DRC and Declarant

Neither the DRC nor the Declarant, or their respective successors or assigns, shall be liable in damages to anyone submitting plans. This exemption from liability shall be for any reason, including error in judgment, negligence or nonfeasance. Every owner or other person who submits plans to the DRC for approval agrees, by submission of such plans and specifications, that he will not bring any action or suit against the DRC or Declarant to recover damages.

## 19.7 Enforcement

These DRG may be enforced by the DRC or the Association or the Declarant as provided in the Declaration.

## Section 20: Residential Architectural Guidelines

These Residential Architectural Guidelines are intended to guide any development by homebuilders or residents within the Stone Creek Ranch community.

A variety of building elevations will be encouraged and each home shall have a two-car garage and two offstreet parking spaces as a minimum. Within each individual village, all residences shall have exterior elevations, roofs and details that shall be coordinated and consistent in their architectural treatment for such village. Exterior elevations shall be designed to complement the natural and enhanced environments of Stone Creek Ranch.

No two identical home elevations or identical color schemes shall be placed side by side or immediately across the street from one another within the project to provide a variety of design.

Homes with three-car garages shall have a minimum two-foot horizontal stagger between the front face of the one-car garage bay and the two-car garage bay.

## 20.1 Residential Standards for all lots within Stone Creek Ranch

- Minimum habitable enclosed area per dwelling unit, excluding garages and basements 1,400 square feet
- Roof overhangs shall be a minimum of twelve (12") inches as measured horizontally from the adjacent vertical wall plane.
- Roof Materials All roof materials must be non-reflective and carry a minimum 30-year guarantee. Materials may consist of asphalt or fiberglass composite, clay, metal or concrete.
- Building Materials All exterior siding and finishes must be made of non-reflective materials. A minimum of two different materials are required for the front façade of each home. Materials shall include the following: natural or synthetic materials- stucco, brick, thin set brick, stone, cementitious siding, wood siding and any other material deemed to be of high quality and low maintenance by the master developer, its successors, and/or assigns. A minimum of 20% of a side elevation, when facing the adjacent side street, and a minimum of 25% of the front façade of each home, excluding entry doors, windows and garage doors, shall include natural or synthetic brick, stone, or other masonry material, provided that the DRC may waive this provision in the event a specific architectural theme is appropriately designed without such materials or ratios. Any front façade's natural or synthetic brick, stone, or other masonry material shall be extended and wrap at least contiguously two (2') feet on each side elevation.
- Building Height No residential buildings or structures shall exceed thirty-five (35') feet in height, excluding chimneys.

 Building Setbacks - The minimum principal building or accessory building setback from any public street right-of-way or any other property line shall be:

Building front 20 feet (front-loaded garage)

10 feet (side-loaded garage) 8 feet (covered porch)

Garage door setback 20 feet (front or side-loaded garage)

Building sides 5 feet (to lot or open space tract)

10 feet (street-side side setback on a

corner lot)

Building rear 15 feet (home from rear lot line)

5 feet (accessory structure to rear lot

line)

## Exhibit A

## Stone Creek Ranch Recommended Plant List

**COMMON NAME** 

**BOTANICAL NAME** 

## **DECIDUOUS TREES**

Autumn Blaze Maple Acer x Freemanii
Northern Red Maple Acer rubrum
Hot Wings Maple Acer tartarian

Big Tooth Maple
Thin-leaf Alder
Western Catalpa
Hackberry
Acer grandidentatum
Alnus incana tenufolia
Catalpa speciose
Celtis occidentalis
Eraylinus pigra (Fall Cold

Fall Gold Ash Fraxinus nigra 'Fall Gold'
Autumn Purple Ash Fraxinus Americana 'Autu

Autumn Purple Ash Fraxinus Americana 'Autumn Purple' Green Ash Fraxinus pennsylvanica

Ginko Gindo biloba Honeylocust Gledisia spp.

Kentucky Coffeetree Gymnocladus dioisus
Golden Raintree Koelreuteria paniculata
Aristocrat Pear Pyrus calleryana 'Aristocrat'
English Oak Quercus robur 'Fastigata'

Swamp White Oak Quercus bicolor Burr Oak Quercus robur

Greenspire Linden Tilia cordata 'Greenspire'

Frontier Elm Ulmus 'Frontier'

## **EVERGREEN TREES**

One Seed Juniper
Spartan Juniper
Spartan Juniper
Juniperus chinensis
Rocky Mountain Juniper
Juniperus scopulorum
Blue Spruce
Picea pungeons
Norway Spruce
Picea abies

Austrian Pine Pinus nigra
Bosnian Pine Pinus heldreichii
Bristlecone Pine Pinus aristata
Scotch Pine Pinus sylvestris

## **ORNAMENTAL TREES**

Ginnala Maple Acer ginnala 'Flame'

Serviceberry Cockspur Hawthorne **Washington Hawthorne** Spring Snow Crabapple Hopa Crabapple

Prairie Fire Crabapple American Plum

**Chanticleer Pear Montmorency Cherry**  Amelanchier spp. Crataegus crusgalli Crataegus phaenopyrum Malus spp. 'Spring Snow' Malus spp. 'Hopa' Malus spp.'Prairie Fire' Pyrus American

Pyrus calleryana 'Chanticleer'

Pyrus cerasus

## **DECIUOUS SHRUBS**

Regent Serviceberry Indigo Leadplant Blue Mist Spirea

Mountain Mahogany **Dwarf Rabbitbrush** 

**Burning Bush** Apache Plum Russian Sage Lewis Mockorange

Potentilla

Native Chokecherry

Wax Leaf Current **Boulder Raspberry** Woods Rose

Rocky Mt. Sumac **Native Snowberry Dwarf Korean Lilac** Mohican Viburnum

Compact Cranberrybush

Amelanchier alnifolia

Amorpha fruticose var. angustifolia Caryopteris x clandonensis 'Blue Mist'

Cercocarpus montanus Chrysothamnus nauseosus **Euonymus alatus** 

Fallugia paradoxa Perovskia atriplicifolia Philadelphus lewisii

spp.

Prunus virginiana melancarpa

Ribes cereum Rubus deliciosus Rosa woodsia

Rhus glabra cismontana Symphiocarpus albus Syringa meyeri 'Paliban' Viburnum lantana

Viburnum opulus compactum

## **EVERGREEN SHRUBS**

Common Juniper **Buffalo Juniper Hughes Juniper** Tammy Juniper Sea Green Juniper **Oregon Grape Holly** 

Mugo Pine Varieties Boxwood

Juniperus communsis 'effusa' Juniperus Sabina 'Buffalo' Juniperus horizontalis 'Hughes' Juniperus Sabina 'Tammy' Juniperus x media 'Sea Green'

Pinus mugo Buxus spp.

Mahonia aquifolium

**ORNAMENTAL GRASSES** 

**COMMON NAME** 

**BOTANICAL NAME** 

Blue Avena Grass Helictotrichon sempervirens
Feather Reed Grass Calamagrostis acutiflora

Maiden Hair Grass Miscanthus sinensis 'Morning Light'
Blue Switchgrass Panicum virgatum 'Heavy Metal'
Ribbongrass Phalaris arundinacea 'Picta'
Indian Grass Sorghastrum nutans 'Sioux Blue'

Mexican Feather Grass Stipa tenuissuma

Blonde Ambition Blue Grama Boutolua gracilis 'Blonde Ambition'

## **PERENNIALS**

Yarrow species Achillea spp. Hyssop Agastache spp. Fall Aster Aster oblongifolius Aquilegia spp. Columbine **Fringed Sage** Artemsia figida Coreopsis Coreopsis spp. Ice Plant Delosperma spp. **Purple Coneflower** Echinacea fleischeri Fleabane Daisy Erigeron compositus

Puple-leaf Wintercreeper Euonymus fortune 'Coloratus'

Ganzania Ganzanis krebsiana
Cranesbill Geranium spp.
Daylilies Hemerocallis spp.

Iris Iris spp.

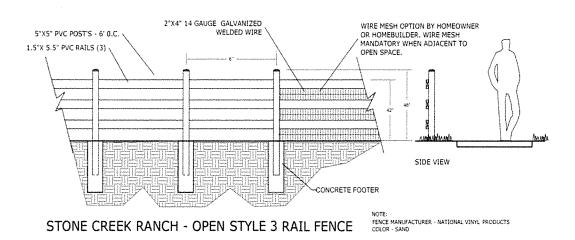
Lavender Lavendula spp.
Gayfeather Liatris spp.
Blue Flax Linium lewisii
Lupine Lupinus spp.
Bee Balm Monarda spp.
Catmint Nepeta x faassenii

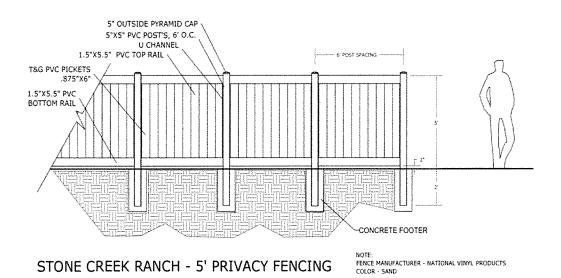
Viginia Creeper Parthenocissus quinquefolia

Penstemon spp.

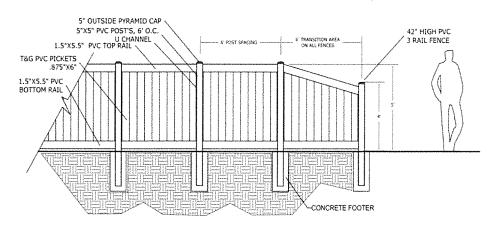
Black Eyed Susan
Salvia Spp.
Pincushion Flower
Scabiosa spp.
Thyme
Thymus spp.
Tulips
Veronica
Periwinkle
Rudbeckia spp.
Salvia spp.
Trulipa spp.
Veronica spp.
Vinca minor

## **Exhibit B: Fencing**



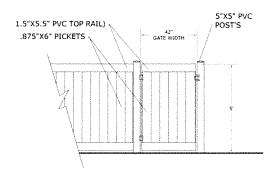


## **Exhibit B: Fencing continued**



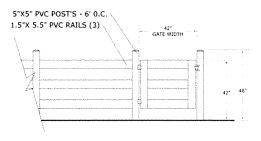
STONE CREEK RANCH - 5' SIDE YARD SIDE YARD FENCE TRANSITION TO OPEN STYLE 3 RAIL FENCE

NOTE: FENCE MANUFACTURER - NATIONAL VINYL PRODUCTS COLOR - SAND



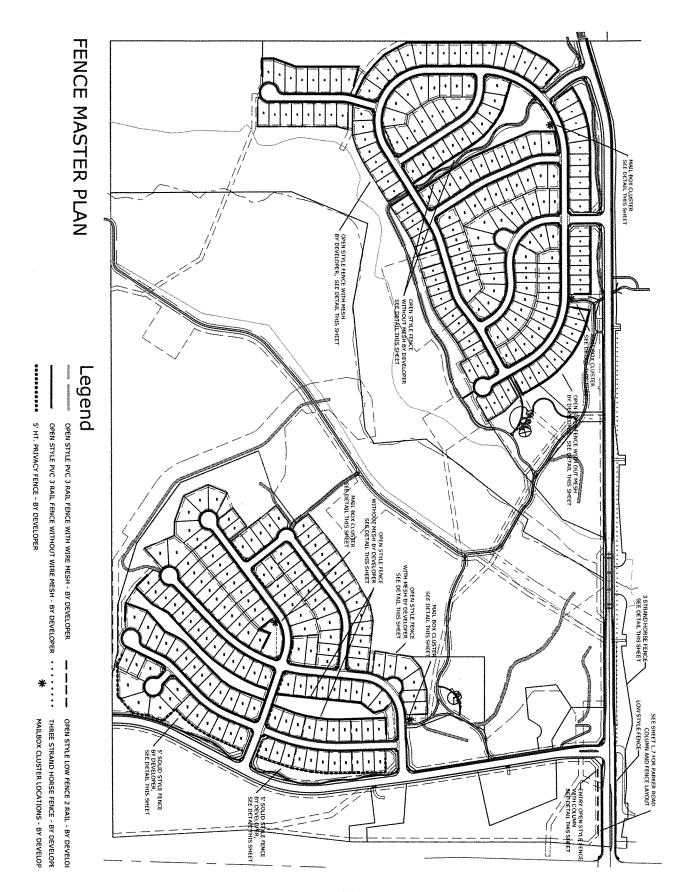
## PRIVACY FENCE / GATE

NOTE: FENCE MANUFACTURER - NATIONAL VINYL PRODUCTS COLOR - SAND

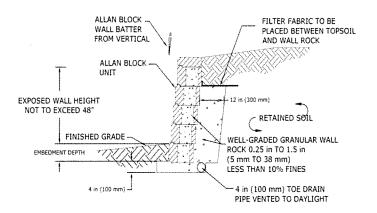


## 3 RAIL FENCE / GATE

NOTE: FENCE MANUFACTURER - NATIONAL VINYL PRODUCTS COLOR - SAND



## **Exhibit C: Retaining Walls**



STONE CREEK RANCH - RETAINING WALL DETAIL

NOTES: 1. RETAINING WALLS NOT TO EXCEED 48' HEIGHT BLOCK TO BE ALLAN BLOCK "DOVER BLEND" APPROVED BY THE DESIGN REVIEW COMMITTEE

## **Exhibit D: Design Review Request Form**

## FOR ASSOCIATION USE ONLY: STONE CREEK RANCH HOMEOWNERS Account # \_\_\_\_\_ ASSOCIATION, INC. **DESIGN REVIEW REQUEST** Submittal # \_\_\_\_\_ Review Date: \_\_\_\_\_ Date Telephone Number Member's Name Email **Property Address** Contractor **Contact Name** Telephone Number In accordance with the Association's Declaration, I am submitting the following architectural modification(s) for review and consideration: **Project Description:**

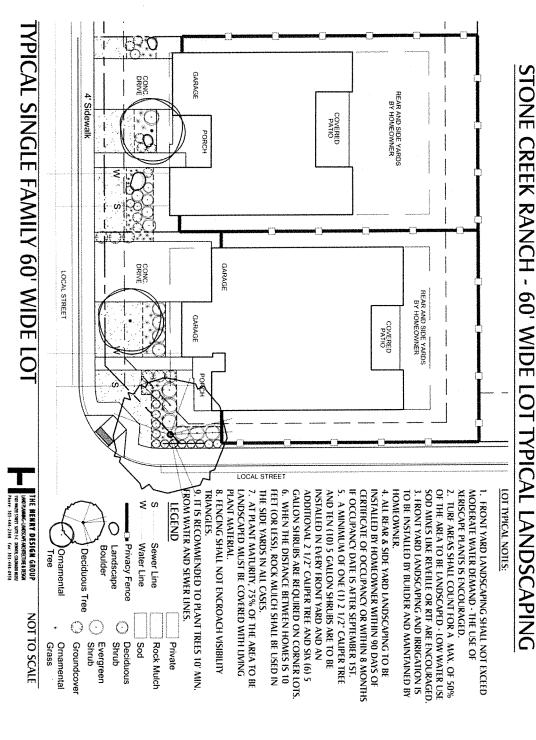
EXTERIOR HOUSE PAINTING		
Base/Body Color	Trim Color (popouts, wood fascia, etc.)	
Front Door Color (if applicable)	Garage Door Color	

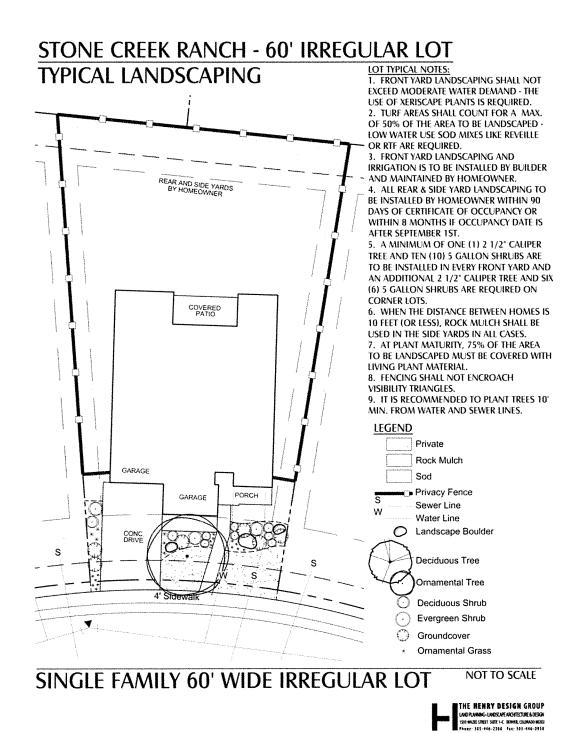
- 1						
	PLEASE READ AND SIGN THIS AGREEMENT—YOUR SIGNATURE IS REQUIRED					
	These plans are:					
	Preliminary Final					
	Proposed Start Date Anticipated Completion Date					
	I understand that my submittal will be reviewed by the DRC within 30 (thirty) days after a complete application and submission is received by the Association. A written decision setting forth the decisions made by the DRC will be sent to the applicant. Construction must not begin before receiving written DRC approval.					
Upon written receipt of approval, commencement of construction shall begin within ninety (90) days of the proposed start date, subject to obtaining all necessary permits required by governmental agencies. If the project is not started within the 90 days, it must be resubmitted to the Association unless extended by DRC in writing. The project must be completed within a reasonable time, commensurate with the extent of the project, following commencement of construction.						
I understand that in addition to the Association's Declaration, DRG and any stipulations as outlined in the forthcoming DRC's written decision, I am required to meet all regulations set by the Douglas County, Colorado, State or Federal governments.						
	The DRC, in its sole discretion, shall be authorized to assess architectural fees in amounts not to exceed five hundred dollars (\$500.00) for extensive projects that require expert review in order to arrive at appropriate architectural evaluations and decisions.					
	I understand that I am solely responsible for the accuracy of all documentation submitted in connection with this design review request. Approval of a design review request by the DRC does not, in any manner, constitute approval or endorsement of					

the architectural and technical soundness of the proposed project, and neither the

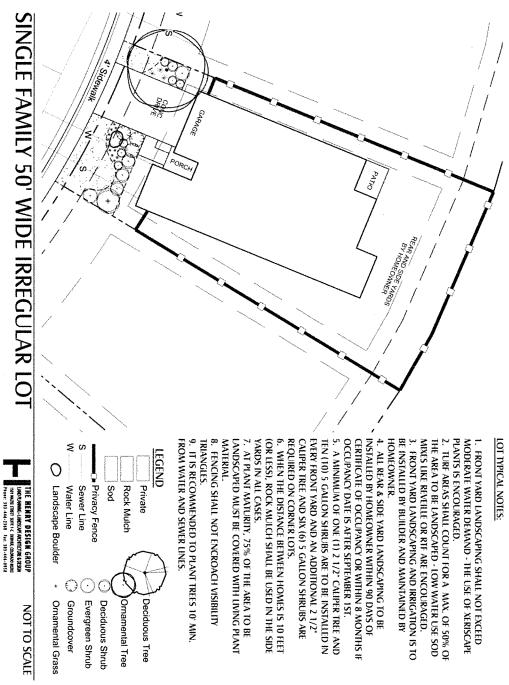
DRC nor the Association's Board of Directors shall incur any liability with respect to any apparent or latent defects and errors in the plans, specifications or construction of proposed projects. I agree to pay any costs incurred by the Association if I fail to meet the standards as established by the DRC and the Association's Board of Directors.						
I have read this application and agreement, understand its content and agree to						
abide by its provisions.						
Signature	Date					

## EXHIBIT E TYPICAL LANDSCAPE FRONT YARD DESIGNS





# STONE CREEK RANCH - 50' IRREGULAR LOT TYPICAL LANDSCAPING



## STONE CREEK RANCH - 50' WIDE LOT TYPICAL LANDSCAPING

