

ENCHANTMENT RIDGE HOMEOWNERS' ASSOCIATION ARCHITECTURAL STANDARDS AND DESIGN GUIDELINES

Adopted this the 24th day of June, 2005, by the Architectural Standards Committee and Board of Directors of the Enchantment Ridge Homeowners Association.

COMPLIANCE WITH THE ENCHANTMENT RIDGE DESIGN REVIEW PROCESS IS NOT A SUBSTITUTE FOR COMPLIANCE WITH CITY BUILDING, ZONING, AND SUBDIVISION REGULATIONS, AND EACH OWNER IS RESPONSIBLE FOR OBTAINING ALL APPROVALS, LICENSES, AND PERMITS AS MAY BE REQUIRED PRIOR TO COMMENCING CONSTRUCTION OF IMPROVEMENTS.

1. **PURPOSE AND AUTHORITY.** These Rules and Regulations were adopted by the Architectural Standards Committee (the "ASC") at the direction and with the approval of the Board of Directors (the "Board") of the Enchantment Ridge Homeowners Association ("Enchantment Ridge") pursuant to the Declaration of Covenants Conditions and Restrictions of Enchantment Ridge (the "Declaration") and the Bylaws of Enchantment Ridge. These Rules and Regulations are intended to protect and enhance the quality, value, desirability and attractiveness of all property in Enchantment Ridge and to assist the enforcement of the architectural standards and design guidelines set out in the Declaration and other Governing Documents of Enchantment Ridge.
2. **DEFINITIONS**
 - (a) "**Accessory Structures**" means any structure not intended for human occupancy located on a lot. Accessory structures may be attached to or detached from the residential structure. Examples of accessory structures include garages, sheds, and other non-dwelling buildings; and decks, awnings, fences, trellises, exterior stairs and walkways, and other exterior structures.
 - (b) "**Association**" refers to the Enchantment Ridge Homeowners' Association.
 - (c) "**Board**" means the Board of Directors of the Association.
 - (d) "**Declaration**" refers to the Declaration of Covenants, Conditions, Restrictions and Easements for the Enchantment Ridge Homeowners' Association recorded in the real property records of the Clerk and Recorder of Larimer County at reception number 2005-0021282 on March 17, 2005.
 - (e) "**Developer**" has the same meaning as "Declarant" as used in the Declaration.
 - (f) "**Governing Documents**" means the Association's Declaration, Articles of Incorporation, By-laws, Rules and Regulations, and these Standards and Guidelines.
 - (g) "**Improvements**" shall mean and include without limitation:
 - (1) Any change or alteration of any previously approved Improvement, including any change of exterior appearance, color or texture;
 - (2) The construction, installation, erection or expansion of any building, structure or other material change, including utility facilities;

- (3) The demolition or destruction by voluntary action of any building, structure or other Improvement;
- (4) The grading, excavation, filling or similar disturbance to the surface of the land, including without limitation, change of grade, change of ground level or change of drainage pattern; and
- (5) The installation or removal of any landscaping.
- (h) **“Standardized Developer Plans”** are the building plans for standard model homes created by the Developer for use by commercial builders in Enchantment Ridge.
- (i) **“Standards and Guidelines”** means these rules and regulations adopted by the ASC and approved by the Board and known as the “Enchantment Ridge Homeowners’ Association Architectural Standards and Design Guidelines” unless otherwise required by context.

3. ARCHITECTURAL REVIEW PROCEDURES

(a) **Approval of Improvements Required.** Any and all improvements, including landscaping, may be reviewed by the ASC using the procedures outlined in these Standards and Guidelines. If in the ASC’s reasonable discretion, the ASC determines additional procedures should be used, criteria considered, or the timing for approval changed, the ASC may impose those additional requirements on any application. Additional requirements **may not** be imposed to unreasonably reject proposed improvements, to make approval of xeriscaping more difficult than standard landscaping, or for any other improper or illegal purpose.

(b) **Application for Approval.** Every homeowner or other person who intends to construct improvements shall submit an application for approval of the proposed improvements to the ASC, unless otherwise provided in these Standards and Guidelines. Upon the ASC’s receipt of a complete application, the ASC may complete its review within 30 days and provide the applicant homeowner with a written decision accepting the proposed improvements, rejecting the proposed improvements, requiring modification, or requesting additional information for further review.

(1) **General Application Requirements.** Every application for approval of every type of improvement shall contain the following information:

(A) **General Information.** Each application shall contain the homeowners name, address of the home (and homeowner’s street address if different from the home), block and lot number, the person or contractor responsible for constructing the improvements, and the name of the person or contractor seeking approval (if different than the homeowner).

(B) **Application Fee.** To defray the cost of review by the ASC’s professional delegate, a non-refundable fee will be charged for the review of any proposed improvements according the following schedule of fees:

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| i. | <i>Standardized Developer Plans</i> (section 3(b)(2)(C)below) | \$50.00 |
| ii. | <i>Landscaping</i> | \$85.00 |
| iii. | <i>Satellite Dish Installation</i> | \$25.00 |
| iv. | <i>Minor Improvements (as determined by the ASC)</i> | \$25.00 |
| v. | <i>Accessory Structures</i> | \$85.00 |
| vi. | <i>Structural changes including the construction of a home using other than “Standard Developer Plans”, extensive exterior renovations or remodeling, and any other visible structural changes are be subject to a</i> | |

reasonable hourly fee for review by the ASC's professional delegate to be negotiated by the applicant and the ASC's professional delegate.

(2) Project Specific Application Requirements. To simplify the approval process, additional application information will be required depending on the type of request.

(A) Landscape Plans; Accessory Structures; and Structural Changes including exterior renovations and remodeling or other visible structural changes:

- i. **Plans.** Each application shall contain plans for the improvements. The plans *need not be professionally drawn, but should be clear enough that the ASC can discern the size, location, and appearance of proposed improvements in relation to the existing home.* The ASC reserves the right to reject any application if plans submitted by an applicant are not drawn to the satisfaction of the ASC. *Lot-owners and homeowners considering structural changes including the construction of a home using other than "Standard Developer Plans", extensive exterior renovations or remodeling, and any other visible structural changes are strongly encouraged to inquire whether additional or special requirements, such as professionally drawn plans, may be required.*
- ii. **Project Narrative.** In addition to drawn plans, applicants shall submit a written narrative describing the type of improvement to be constructed, its size, location, and appearance. The narrative shall also specify how materials will be stored during the construction process. To ensure timely review of applications, applicants should endeavor to describe the planned improvements with a much detail as practicable.
- iii. **Project Timeline.** Applicants shall submit a time line indicating proposed dates for the commencement of improvements; dates by which phases of construction will be completed; and the date for completion of improvements. The ASC may specify different or additional deadlines.

(B) Approval of Exterior Paint Color. Any change to exterior paint color shall be submitted to the ASC for review. This includes any and all exterior paint including entry doors, accent colors, trim, and base colors. Approval is not required for repainting using colors previously approved by the ASC. Applicants shall submit (1) color samples provided by the paint manufacturer; (2) indicate on which surfaces (i.e. base colors, trim, accent colors for entry doors, ect.) the different paint colors will be used; and (3) provide color photographs showing the color scheme of adjoining houses. The ASC shall accept or reject proposals for new exterior colors within 30 days of the date it receives a complete application.

(C) Streamlined Approval of Standardized Developer Plans. The ASC and Board, in recognition that the Developer provides Commercial Builders in Enchantment Ridge standardized building plans that have been carefully reviewed by the Developer to ensure compliance with the architectural standards of the Association, hereby provide for special streamlined review of applications for approval of Standardized Developer Plans.

- i. **Application.** Commercial Builders using Standardized Developer Plans shall be required to present the following to the Architectural Standards Committee:

- a. **General Information.** Each application for approval shall contain the builder's name, name of the person submitting the application, and date of the application.
 - b. **Site Plan Information.** Each application shall indicate whether the foundation is slab on grade, garden level, or walk out; indicate the side yard, front yard, and rear yard setbacks; and indicate whether any decks or accessory structures will be constructed on the lot, and if so the setbacks for the accessory structure.
 - c. **Plan Information.** Each application for approval shall contain a description of the house model, plan type, finished square footage; garage type; and maximum garage width.
 - d. **Exterior Elevation Information.** Each application shall contain a description or depiction of the exterior elevations along with any optional features such as bay windows, porches, decks, gables, hipped roof elements, and any other optional decorative or structural element; a description or depiction of any use of brick, stone, or similar trim or facing.
 - e. **Adjacent Home Information.** Each application shall contain a (1) description of the adjacent homes including the model, plan type and any other modifications to or deviations from the standard model elevations; and (2) provide the names and contact information for the adjacent homeowners.
 - f. **Accessory Structures.** Plans for any accessory structure not part of the standard Developer plans shall be submitted for review along with the application. The Builder shall provide elevations of the accessory structure, indicate the type of materials to be used, and the color of the improvement if applicable. The ASC has the authority to demand additional documentation prior to the approval of any accessory structure.
 - g. **Fee for Review.** A non-refundable fee of \$50.00 shall be submitted with the application to defray the cost of review by the ASC. Re-applications may be subject to an additional fee.
- ii. **Special Timeline for Approval of Standardized Developer Plans.** The following timeline is applicable only to streamlined review of standardized developer plans.
- a. **Review Period.** The ASC shall have an initial review period of 15 calendar days from the date an application for approval is received by the ASC until approval.
 - b. **Effect of Request for Additional Information or Rejection of Application.** The review period shall be extended by providing written notice to the applicant requiring the submission of additional information or by the ASC's written rejection of an application. A new review period of 15 days shall commence upon the ASC receipt of additional information (when requested) or a new application (when a previous application was rejected).

- (D) Approval of Satellite Dishes.** The ASC will work cooperatively to select appropriate locations for small satellite dishes and other communication devices permitted by these standards and guidelines and elsewhere in the governing documents. An application for approval shall contain (1) a photograph or written description of the proposed device, including a statement of its dimensions and color; (2) the planned location of installation, chosen to minimize visual impact to the extent possible; and (3) provide contact information to permit the ASC to inquire about any additional matters of concern.
- (3) Additional Information.** The ASC reserves the right to request additional information of homeowners proposing any improvements. All homeowners seeking approval of major improvements to his/her property (e.g. decks, sheds, structural changes, and additions) are advised to inquire about additional information the ASC may require before submitting an initial application.
- (4) Calculation of Time.** All applications and submissions received by the ASC on a weekend or legal holiday will not be deemed received until the following business day. If the last day of a review period falls on a weekend or legal holiday, the review period is automatically extended to the first business day following the weekend or holiday.
- (5) Approval.** Approval of any application **shall be in writing** signed by the designated representative of the ASC.
- (A) Conditional Approval.** The ASC may condition approval of any proposed improvements on (1) a construction timeline as may be specified by the ASC; (2) verifiable assurances that the proposed improvements will be completed or a deposit of sufficient security with the ASC to complete the improvements; (3) specifications regarding the storage of building materials during construction including, but not limited to location, amount, and screening; (4) limitations on the time of day or the days of the week on which construction activities may take place except as otherwise provided in the Declaration; (5) require the homeowner to obtain temporary certificates of compliance from the ASC at various stages of the construction process; and (6) any other requirement the ASC reasonably deems necessary.
- (6) Procedure for Variances or Waivers.** The ASC may authorize variances from compliance with any provisions of this Declaration or any applicable rules and regulations of the Association as natural obstructions, hardships, aesthetics, or environmental considerations may require, subject to the following limitations:
- (A)** All variances or waivers must be approved by all the members of the ASC in a signed document.
- (B)** If a variance is granted, no violation of the provisions of this Declaration shall be deemed to have occurred with respect to the matter for which the variance was granted only. A variance shall not operate to waive any provisions of the Declaration or these rules and regulations for any purpose except as to the particular lot in question and the particular provision of the declaration or the rules and regulations covered by the variance.
- (C)** A variance or waiver by the ASC and/or Board DOES NOT EFFECT IN ANY WAY the Owner's obligation to comply with all governmental laws and regulations affecting the Property concerned, including, but not limited to, zoning

ordinances and setback lines or any other requirement imposed by any governmental authority having jurisdiction. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS AND REGULATIONS IS THE RESPONSIBILITY OF THE HOMEOWNER.

- (7) **Inspection of Improvements.** In accordance with section X(13)(a) of the Declaration, the ASC may enter onto any lot to inspect improvements at any time during and or after the construction process. If the ASC determines that improvements are not constructed as approved, the ASC may require that construction be immediately stopped. A homeowner may seek permission from the ASC, which shall not be unreasonably refused, to conduct construction activities to correct the non-conforming improvement.
- (8) **Removal of Non-conforming Improvements.** The ASC may refer non-conforming improvements to the Board and the Board may seek judicial approval for the removal of a non-conforming improvement in accordance with the Declaration and Colorado law.
- (9) **Fee for Certificates of Compliance.** The ASC shall, in accordance with the Declaration, issue a certificate of compliance to upon written request of any lot owner or the other persons specified in the Declaration upon payment of the ASC's fee for the issuance of a certificate of compliance in the amount of \$25.00
- (10) **Appeal.** Any homeowner may challenge a decision of the ASC by written notice to the Board of the Association within 30 days after the ASC notified the homeowner of its decision. Upon a timely notice of appeal, the Board of Enchantment Ridge shall set a deadline for the homeowner and ASC to provide written position statements and schedule a hearing on the matter. After reviewing the written position statements and conducting a hearing, the Board shall determine whether to affirm, reverse, or modify the ASC's decision. The Board's decision on appeal is final.

4. **ARCHITECTURAL DESIGN STANDARDS.** Improvements to Property should be consistent with the surrounding areas of Enchantment Ridge and consistent with the beauty, wholesomeness, and attractiveness of Enchantment Ridge and the enjoyment thereof by all the Members of the Association. The ASC shall exercise its best judgment to assure that all Improvements conform and harmonize with any existing structures as to external design, quality and type of construction, materials, color, location on the Lot, height, grade and finished ground elevation, and the schemes and aesthetic considerations set forth in these Standards and Guidelines and the other Governing Documents.

(a) Setback Requirements.

- (1) **Front yard setbacks.** Front yard setbacks shall be a minimum of 20'. Front yard setbacks shall also be staggered a minimum of 2 feet from the adjacent homes, but shall not be less than 20'.
- (2) **Side yard setbacks.** Side yard setbacks shall be at least 1 foot for each 3 feet of building height with a minimum side yard setback of 5 feet. Except however, the garages located Block 1, lots 1-17; Block 2, lots 1-28; Block 3, lots 1-33; Block 4, lots 1-8; Block 5, lots 1-9; Block 6, lots 1-26; Block 7, lots 1-17; and Block 8, lots 1-14 are subject to a minimum setback of 5 feet.
- (3) **Setbacks for accessory structures:**

- (A) No accessory structures shall be permitted in the front yard of any lot in Enchantment Ridge.
- (B) Side setback is a minimum of 6 feet.
- (C) Corner side setback is a minimum of 15 feet.
- (D) Rear setback is a minimum of 6 feet.
- (4) **Setbacks for Playground Equipment** shall be a minimum distance equal to the tallest height of the equipment.
- (5) **Encroachments into Setback.** Overhangs, fireplaces, and cantilevers may encroach into required setbacks by no more than 2 feet in depth and 6 feet in length.
- (b) **Exterior Architectural Elements.** All exteriors shall be constructed of hardboard siding, its equivalent, or a higher quality material (approved in writing by the ASC) and may, but shall not be required to, include accents of brick, masonry, or superior materials as may be approved by the ASC. Roofing shall be fiberglass or asphalt roofing, its equivalent, or a higher quality material, as may be approved by the ASC.
 - (1) **Roof Shingles.** Roof shingles shall be standard 3-tab asphalt or fiberglass roof shingles, their equivalents, or a superior material as determined by the ASC. The exterior color of roof shingles shall be approved by the ASC.
 - (2) **Siding.** Siding shall be preformed and primed Masonite hardboard, its equivalent, or a superior material as determined by the ASC. Siding shall be either horizontal lap or vertical reverse board-and-batten construction. Alternate siding patterns shall be required at all gable-end wall surfaces facing streets. Maximum lap exposure for horizontal lap pattern siding shall be no more than 8" and vertical maximum lap exposure for vertical reverse board-and-batten siding shall be 12".
 - (3) **Windows and Sliding Patio Doors.** Window and sliding glass doors shall be framed with a wood, aluminum clad wood, solid vinyl, or their equivalents or superior materials as may be approved by the ASC. All exterior windows shall, at a minimum, be glazed with double pane insulated glass.
 - (4) **Entry Doors.** Entry doors shall be pre-hung, insulated steel or solid core wood doors, their equivalent, or superior material as may be approved by the ASC. Entry doors, *but not garage doors*, may be painted with a contrasting color approved by the ASC.
 - (5) **Exterior Trim.** Exterior trim for door and window casings for the primary street facing elevation(s) shall be a minimum of 1" x 4" wood trim or its equivalent; where boxed windows or other detailing is required, exterior trim shall also be a minimum of 1" x 4" wood trim or its equivalent.
 - (6) **Fascia.** Fascia shall be constructed of wood, hardboard, their equivalents, or superior materials and measure a minimum of 6" and maximum of 12" width.
 - (7) **Gutters and Downspouts.** Gutters and Downspouts shall be constructed of pre-finished galvanized metal or aluminum, and painted to match the selected house trim color.
 - (8) **Vertical Front Porch Posts.** Vertical front porch posts shall be a minimum of 4" x 4".
 - (9) **Vertical Deck Posts.** Vertical deck posts shall be a minimum of 4" x 4" but no trim shall be required.
 - (10) **Deck and Porch Railings.** Decorative wood railings shall match the house design, with a minimum of 2" x 2" balusters with 2" x 4" top and bottom rails. All

railings and trims shall be painted to match the house trims, except that natural redwood or cedar decks may be stained.

(c) Exterior Accessories and Mechanical Equipment.

(1) **Furnace Flues/Plumbing Vents.** All furnace flues and plumbing vents shall be located on the roof slope away from primary street-facing elevations whenever possible.

(2) **Antennas, Satellite Dishes, and other transmitting or receiving devices.** Antennas and any other transmitting or receiving devices are prohibited except as provided in section IX(17) of the Declaration. The consent of the ASC to permitted transmitting and receiving devices, such as certain small satellite dishes, shall not be unreasonably withheld. To this end the ASC shall:

(A) Require homeowners applying for approval of these devices undertake all reasonable efforts to minimize their visual impact and shall consider the size, location, and appearance of any such device.

(B) The ASC shall also consider any other relevant issues including interference with radio, television, or other communication devices used by other homeowners. No electronic devices or systems causing unreasonable interference with radio or television receivers or other communication devices of other homeowners shall be placed or maintained on any lot.

(C) Notwithstanding the foregoing, *no more than two satellite dishes with horizontal elements not in excess of eighteen inches in diameter will be allowed on a lot,*

(D) Restrictions on the installation of satellite dishes to receive television or other electronic communication signals shall be applied only as consistent with the requirements of applicable federal, state, and local laws.

(E) The Architectural Standards Committee may grant relief from the provisions of this section for good cause shown and such relief shall not be unreasonably withheld.

(d) **Heating and Cooling Devices.** One ground mounted exterior air conditioning condenser or equivalent device may be installed by any homeowner without the approval of the ASC. Wall or window mounted heating units, air conditioning units, fans, swamp coolers, and any other similar devices (collectively "wall mounted units") are prohibited. Likewise, roof mounted air conditioning units, swamp coolers, heating units, solar panels, and any other similar devices (collectively "roof mounted units") are prohibited.

(e) **Basketball Hoops and other Exterior Accessories.** No screens, storm doors, awnings, flags, clothes lines, permanent basketball or other sports related goals or recreational accessories (whether attached to a dwelling or otherwise permanently fixed in place), or any other similar exterior accessories shall be installed or used on or about any Lot without the prior written approval of the ASC. In determining whether to approve an exterior accessory the ASC will consider (1) the location, size, visual impact on the Lot and proximity to adjacent Lots; (2) the aesthetic appeal and harmony of exterior design in relation to surrounding structures; and (3) the color, overall appearance, and all other aspects of the accessory in question.

(1) ***Special Rule for Portable Basketball Hoops and Sports Goals.*** Portable basketball hoops and sports goals will be permitted by the ASC if a homeowner applies for approval

and assures the ASC that the basketball hoop or sports goal will be properly stored in a screened area, such as a garage, when it is not in use.

- (f) **Accessory Structures.** No accessory structures are permitted except as approved by the ASC. Any accessory structure must be architecturally compatible with the residence or home on the lot in question.
- (g) **Fences.** Maximum 5'0" privacy fences are permitted on the lot lines of individual lots, except maximum 4'0" privacy fences are permitted on the following lots including all lots located on Blocks 1-8 as designated on the plat: Block 1, lots 1-17; Block 2, lots 1-28; Block 3, lots 1-33; Block 4, lots 1-8; Block 5, lots 1-9; Block 6, lots 1-26; Block 7, lots 1-17; Block 8, lots 1-14.
- (1) All such privacy fences shall be limited to the area immediately adjacent to or behind the front elevation of the residence and compatible with the minimum front yard setback as prescribed in the final development plan approved by the City.
 - (2) Fences adjacent to streets shall be set back a minimum of 10' 0" from the attached sidewalk and the lot owner shall be responsible for maintenance of the resulting landscape strip. The landscaping strip shall be at least 70% living material and approved by the ASC.
 - (3) Any privacy fence shall be constructed of cedar, its equivalent, or other material (cedar equivalents or other materials must be approved in writing by the Architectural Standards Committee) and shall be constructed of 4"x 4" posts, 2"x 4" runners, and 1"x 4" pickets spaced 5/8" apart. All fences shall have a top rail and 1" x 8" fascia trim. The bottom of the fence shall be cut to follow any sloping grade, and each top rail shall be level and stepped according to the grade.
 - (4) Chain link fencing and any form of fence construction other than that specified here are not permitted.
 - (5) Illustrative drawings to further explain the requirements of this section are attached as "Exhibit A" to these Rules.
- (h) **Roofs.** Roof slopes shall be a minimum 5:12 pitch. Roof overhangs at eaves shall be a minimum of 12" and roof overhangs at rakes shall be a minimum of 6"
- (i) **Exterior Colors.** The standard paint scheme shall be one base wall color for all exterior wall surfaces, and one trim color for all fascias, eaves, soffits, porch columns, and trims, including window, door, corner, and all other exterior trims. Accent colors are permitted for entry doors and contrasting gable and siding patterns. Garage doors shall be painted the base wall color and **shall not** be painted a contrasting color.
- (j) **Driveways.** All driveways in enchantment ridge shall be of poured concrete or an equivalent or superior hard surface material approved in writing by the ASC. Maximum driveway width: Driveways for two car garages shall not exceed 20' in width at any point. Driveways for three car garages shall not exceed 30' in width at any point.

5. LANDSCAPE DESIGN STANDARDS.

- (a) **Approval.** Homeowners shall apply for and obtain approval under section 3(b) above prior to commencement of construction of landscaping of any kind including construction of any privacy fence, retaining wall, arbor, gazebo, or any other form of landscaping *including the planting of trees or shrubs or the inclusion of any non-living landscape material.*

- (b) Minimum Requirements.** All lots shall be landscaped and homeowners are responsible for keeping their landscaping in good condition. Front yards shall be landscaped with a minimum of 70% living material approved in writing by the Architectural Standards Committee. Rear lawns shall be landscaped with a minimum of 70% living material if the rear lot is not completely screened by a privacy fence or a minimum of 50% living material if the rear lot is completely screened by a privacy fence.
- (c) Landscaping Plan Guidelines.**
- (1) Application for Approval.** Pursuant to section 3(b) above, a drawn landscape plan, project narrative and timeline will be required for approval of landscape plans. In particular, applications for proposed landscape improvements should contain information regarding landscape features to be used such as the type of plants, rocks, and mulch to be used and their locations. Landscape plans need not be professionally drawn and the project narrative and timeline need not be lengthy, but plans and narratives that are not sufficiently clear will be rejected.
 - (2) Timing of Landscaping.** All yards shall be landscaped promptly after completion of construction of a dwelling on any Lot, and in any event within sixty days after completion of such construction between March 1 and September 1, and in no event later than the last day of April following the completion of construction at any time between September 2 and February 30. The time for completion of any landscaping plans submitted after the initial landscaping of a lot shall be determined by the Architectural Standards Committee on a case by case basis, but in no event shall any landscaping project continue for a period of more than sixty days.
 - (3) Guidelines.** Landscaping in Enchantment Ridge should create interest, complement the architecture of the dwellings, and enhance the quality, value, desirability and attractiveness of the community. There is no required plant list, but the ASC reserves the right to reject any landscape plan that features plants or other landscape materials it reasonably concludes are not acceptable.
 - (4) Prohibitions:**
 - (A)** No artificial plants of any type are permitted.
 - (B)** Yard decorations such as plastic, fiberglass, or brightly painted wood animals, bird, or human replicas; freestanding water features, windmills, replica or actual agricultural or industrial equipment; wagon wheels, mechanically actuated mailboxes or other decorative devices, or other unnatural landscape elements are not permitted in any area visible from a public right of way.
 - (C)** Planting beds should not be used to create isolated pockets or islands of turf.
 - (d) Drainage.** No material change may be made in the ground level, slope, pitch or drainage patterns of any Lot as fixed by the original finish grading except after first obtaining the prior written approval of the ASC. Grading shall be maintained at all times so as to conduct irrigation and surface waters away from buildings and so as to protect foundations and footings from excess moisture. All lot owners have acknowledged their responsibility for and duty prevent excess water runoff from their lots by purchasing their lots/homes subject to the provisions of Article XVII of the Declaration. This applies whether landscaping has been completed or not. Homeowners must ensure that sediment and debris do not enter the public rights of way, sewer systems, trespass onto other lots, or enter Colorado or U.S. waterways are responsible for any sediment or debris that do.

(e) **Xeriscaping.** Landscaping using the principles of landscape planning and design known as xeriscape or xeriscaping are permissible in Enchantment Ridge and shall not be subject to any **additional** procedural step or burdens than those required for standard landscaping improvements.

(1) **Definitions.** For purposes of this section 5(e) and these Guidelines and Standards:

(A) “**Xeriscaping**” means the application of the principles of landscape planning and design, soil analysis and improvement, appropriate plant selection, limitation of turf area, use of mulches, irrigation efficiency and appropriate maintenance that results in water use efficiency and water saving practices.

(B) “**Turf**” means continuous plant coverage consisting of hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

(2) While xeriscaping is permissible, **nothing in this section shall be construed to permit landscaping consisting primarily of rock or other non-living material or to permit any owner to allow his or her existing landscaping to die. The minimum living material standards for landscaping apply to xeriscaping. Thus, front yards shall be a minimum of 70% living material and rear yards shall be a minimum of 70% living material if unscreened or 50% living material if completely screened by a privacy fence.**

(3) **Effect of Government Imposed Watering Restrictions.** In the event a governing authority imposes watering restrictions, homeowners shall make their best efforts to keep landscaping in a state of reasonable maintenance in light of those restrictions. If a homeowner’s landscaping dies as a result of government imposed watering restrictions, the homeowner shall cause the landscaping to be restored within 60 days following the date those restrictions are lifted. If watering restrictions are lifted outside of the growing season, then landscaping shall be restored by the end of April in the following year.

6. FINES AND REMEDIES FOR FAILURE TO COMPLY. If any homeowner fails to comply with these Rules or matters in the Declaration under the supervision and authority of the ASC, the ASC or the Board may fine the non-compliant homeowner pursuant to the following provisions.

(a) **Initial Warning.** If a homeowner is observed by the ASC to be in violation of these rules or matters in the Declaration under the ASC’s authority or supervision, the ASC shall provide written notice to the non-compliant homeowner. The notice shall include a description of the violation and indicate which Rule or provision of the Declaration is applicable. The notice may also specify a time period to correct the violation, but in no event shall the time period be less than 48 hours.

(b) **Notice of Fine.** If a homeowner was given an initial warning letter and has not corrected the violation of these Rules or the Declaration raised by the ASC, the ASC may notify the homeowner that the ASC will assess a fine. Any notice of a fine shall provide the non-compliant homeowner with an opportunity for a hearing before the Board. Homeowners shall be permitted 10 days after the date a Notice of Fine was mailed to request a hearing before the Board. If the homeowner does not request a hearing, the fine shall be assessed against the homeowner.

(c) **Hearing.** If a homeowner requests a hearing to contest a fine, the homeowner shall be permitted to present argument, evidence, and/or testimony to the Board explaining why

the fine should not be assessed. The Board shall make written findings determining whether the fine should be assessed, assessed but reduced, or not assessed.

- (d) **Fines are Cumulative.** Once a fine has been assessed, fines may be reassessed for ongoing violations on a monthly basis without additional notice other than a written notice to the homeowner indicating that an additional fine has been assessed.
- (e) **Other Legal Action.** If a violation of these Rules or the Declaration is not remedied after a fine has been assessed or if a fine has been assessed and remains unpaid, the Association may initiate appropriate legal action to remedy the violation and/or collect the unpaid fine. *Nothing in these Standards and Guidelines shall be construed to preclude the Association, whether through the Board or ASC, from seeking any form of legal relief including, but not limited to, declaratory relief, injunctive relief, or monetary damages to remedy a violation of these Standards and Guidelines or the other Governing Documents.*
- (f) **Fines schedule.** The following maximum fines may be assessed as provided above and shall be reassessed on a monthly basis for ongoing violations. Once assessed, fines continue to accumulate on a monthly basis until the violation is remedied. The Board or ASC, in its discretion, may assess a *lower* monthly fine if the circumstances of the violation do not justify the maximum fine in this fine schedule.
 - (1) Failure to obtain approval for structural improvements to a dwelling: \$ 500.00
 - (2) Failure to timely complete landscaping: \$ 100.00
 - (3) Failure to obtain approval for other improvements: \$ 50.00
 - (4) Violations of restrictions on landscaping materials: \$ 20.00

7. GENERAL PROVISIONS

- (a) **Most Restrictive of the Rules, Declaration, or applicable law applies.** These Rules are not intended to supercede any applicable local, state, or federal law or regulations. Nor are these rules intended to override the more restrictive provisions of the Declaration. If there is a conflict between the terms of these Rules, the Declaration, or other applicable law, the *more restrictive* of the Rules, the Declaration, or the applicable law shall prevail.
- (b) **Reference to Final Development Plan.** The ASC may refer to the Final Development Plan (FDP) as approved by the City of Loveland to facilitate the application of these Standards and Guidelines and the other Governing Documents. A copy of the FDP shall be kept available to the homeowners and may be reproduced on the request of any homeowner at the homeowner's expense.
- (c) **Severability.** Any portion of these rules invalidated in any manner whatsoever shall not be deemed to effect in any manner the validity, enforceability, or effect the remainder of these Rules. In such event that any portion of these Rules are invalidated, all of the other provisions of these Rules shall continue in full force and effect as if such invalid provision had never been included herein.
- (d) **Substitute Building Materials.** Where these rules or the Declaration provides for the use of certain building materials, equivalent building materials or superior building materials may be substituted provided the substitutes are approved by the ASC in writing.
- (e) **Variations and Waivers.** The ASC, in its sole discretion based on concerns for good planning and design, the aesthetic, architectural and environmental interest of Enchantment Ridge, or other factors as necessary or desirable to fulfill the intent of the Declaration and these Rules, may excuse compliance with such requirements in specific

situations and may permit compliance with different or alternative requirements. Any such waiver or variance shall be in writing and signed by all the members of the ASC.

- (f) **Discretion of the ASC.** The ASC shall use reasonable judgment in accepting or disapproving all plans and specifications submitted to it or other matters reviewed. Neither the ASC nor any individual Architectural Standards Committee member shall be liable to any person for any official act of the ASC in connection with submitted plans and specifications, except to the extent the ASC or any individual ASC member acted with malice or wrongful intent. **THE ARCHITECTURAL STANDARDS COMMITTEE MAKES NO STRUCTURAL REVIEW OF PROJECTS SUBMITTED FOR APPROVAL AND DOES NOT WARRANTY ANY APPROVED PROJECT IN ANY WAY. APPROVAL BY THE ARCHITECTURAL STANDARDS COMMITTEE DOES NOT NECESSARILY ASSURE APPROVAL BY THE APPROPRIATE GOVERNMENTAL BOARD OR OTHER AUTHORITY.** Notwithstanding that the ASC has approved plans and specifications, neither the ASC nor any of its Members shall be responsible or liable to any Owner, developer or contractor with respect to any loss, liability, claim or expense which may arise by reason of such approval of the construction of the Improvements. Neither the Board, the ASC, nor any agent thereof, nor Declarant, nor any of its officers, directors, shareholders, employees, agents or its consultants shall be responsible in any way for any defects in any plans or specifications submitted, revised or approved in accordance with the provisions of these Rules or other Enchantment Ridge Documents, nor for any structural or other defects in any work done according to such plans and specifications. In all events, the members of the ASC shall be defended and indemnified by the Association to the full extent permitted by law in any such suit or proceeding which may arise by reason of any ASC decision.

