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These Design Guidelines, Rules & Regulations
dated September 2023
supersede all previous Rules and Design Guidelines,
including those dated November 2022 and September 2021.

INTRODUCTION

Early in the planning process for this community, the Spires developers recognized the unique, natural character of this foothills site and commissioned a development plan that conserves many of its distinctive features, especially the rocky outcrops and the steep, wooded hillsides. These Design Guidelines (also referred to as Guidelines) have been adopted to ensure a quality environment. They are a tool to be used by the designated Architectural Control Committee (ACC) [in conjunction with the Covenants, Conditions, and Restrictions (CC&R's) in effect throughout the project] to guide development in a sensible, managed process while still allowing for individual freedom of expression.

The Board of Directors (the "Board") of The Spires Drainage Homeowners Association, Inc., a Colorado non-profit corporation (the "Association"), is empowered by the Articles of Incorporation, Article III - Purposes, Section (d), Article IV – Additional Powers and the CC&R's, Article I, Covenants to Preserve the Residential Character of the Subdivision, Section 150, Article III, Association, Section 301 and Article V, General Provisions for Effect of the Covenants, Section 507 to adopt and enforce such Design Guidelines as it deems advisable for the operation, control, and clarification of the Articles of Incorporation, Bylaws and CC&R's. The Board is publishing this booklet with two purposes in mind:

1. To provide guidelines that will address issues that may not be specifically detailed in the "CC&R's" and present those and other guidelines more accurately and concisely.
2. Ensure all owners and residents know the Association's policies, procedures, and information.

Please note that most new home construction has been completed in the community, with less than 10% of the total lots left to be built upon. This updated Design Guideline has two categories (Rules & Regulations and Construction Standards). If you are searching for information about building a new home, please see pages 24-35.

The governing documents of the Association are the Declaration of Conditions, Covenants, Restrictions, and Easements affecting the Real Property known as The Boulders Broadmoor Filing No. 1 and The Boulders Broadmoor Filing No. 1 recorded under reception number #097077686-46 of the El Paso County records ("CC&R's"), the Articles of Incorporation, the Bylaws, and these Design Guidelines starting now referred to as the governing documents. In the event of a conflict between these documents, the CC&R's shall prevail, followed by the Articles of Incorporation, then the Bylaws. Buyers should review all governing documents before signing any contract or closing upon home ownership.

These Design Guidelines are not comprehensive and intended to supplement and enhance the CC&R's and Bylaws. The Board may adopt individual Design Guidelines at particular times and amend these Design Guidelines from time to time. Owners and tenants should refer to the CC&R's and the Bylaws for clarification, fuller explanation, or additional information. Copies of all governing documents are available from the Property Management Company.

The Spires Drainage Homeowners Association, Inc.

Design Guidelines and Rules & Regulations

September 2023

1.0 ASSOCIATION STRUCTURE

Board of Directors

The Association is a Colorado non-profit corporation whose Board of Directors governs. The Board is an elected volunteer group of homeowners who meet regularly to conduct the business of the Association; with some of their duties including but not being limited to making improvements and repairs to the Common Area, overseeing all financial matters, exercising discretion, reasonable efforts and reasonable business judgment standards to keep up maintenance and repairs as needed, to take steps to ensure all contractors are honoring their service agreements, and to ensure that violations of the governing documents are corrected. Directors are elected during regular annual meetings by a vote of homeowners or are appointed to the Board to fill vacancies. Appointments to fill vacated positions will remain in place until the term expires. All board member's terms are for three (3) years. Officers are elected by the Board and serve a one (1) year term.

Board Meetings

The Board regularly meets with the Property Management Company (Property Manager) and other contracted representative(s). All owners are welcome at the meetings to observe or present concerns during the agenda item allowing such concerns [Owner Forum]. If an owner wishes to discuss an issue at a meeting, they should notify the Property Manager at least one (1) week before the meeting so that said item can be placed on the agenda. The Board will limit the time allowed for any one speaker to hold the floor. Robert's Rules of Order govern meeting procedures, provided the Board may modify such rules as necessary to run an efficient meeting.

Property Management and Accounting

RowCal Management is the company responsible for managing our community. If you are unsure who to call or how to handle a problem, contact Derek Patterson.

RowCal Management

3630 Sinton Road, Suite 300

Colorado Springs, CO 80907

Email: Derek.Patterson@RowCal.com

Office: 719-471-1703

Website: www.TheSpiresHOA.com

The dues are \$300.00 annually and are payable in advance on the first day of January each calendar year and become delinquent after the 15th day of February, and then each month, a late charge of \$30.00 per month is assessed. Questions, please get in touch with Accounting at CareTeam@RowCal.com.

2.0 DEFINITIONS

CC&R's - Article V, Definitions

- 2.1** ARCHITECT: this text shall refer to any person retained by a property owner as a qualified professional to assist in preparing documents required for the appropriate review process.
- 2.2** ARCHITECTURAL CONTROL COMMITTEE (ACC): shall also be known as the Approving Authority or the Committee and should be composed of three (3) members, appointed by the Board, to review all submittals within The Spires.
- 2.3** ARCHITECTURAL GUIDELINES: shall be detailed guidelines, as amended from time to time, specifying the architectural, landscaping, fencing, and other considerations for development and upkeep, and maintenance of the lots in The Spires, which have been adopted by the Board of Directors.
- 2.4** BUILDER/CONTRACTOR: shall be a person or entity engaged by an owner to construct a dwelling on such owner's lot. The Builder/Contractor and the owner may be the same person or entity.
- 2.5** CONSTRUCTION: shall include all items listed below and any other related processes designated by the ACC. Items included here are also referred to as "Improvements":
- a) Any grading or disturbance of vegetation;
 - b) Drainage alterations;
 - c) Road construction;
 - d) Walk construction;
 - e) Utility construction;
 - f) New construction of single-family housing;
 - g) New construction of site features such as tennis courts, pools, greenhouses, gazebos, bridges, retaining walls, landscaping, fences (including dog runs), play/sports equipment, exterior lighting, columns, etc.;
 - h) Additions to or renovations of existing features (such as room additions, construction of solar components, etc.) that alter the exterior appearance.
- 2.6** CONSTRUCTION SITE: this shall be an area designated on a recorded plat showing the portion of a lot upon which construction can occur. Ordinarily, only minimal disturbance to existing ground cover, vegetation, and grades will be allowed outside the construction site/building area.
- 2.7** DEBRIS FLOW BASIN: the structures are known as the North and South basins, constructed to control debris flow.
- 2.8** DECLARANT: was L'Auberge Communities, Inc. Masterplanned Land Venture, a limited partnership, d/b/a The Spires Broadmoor, and any person or entity to which The Spires Broadmoor specifically assigns its rights as Declarant. NOTE: Declarant control was terminated in January 2009.

- 2.9** DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS: shall be that Declaration recorded for The Boulder Broadmoor Filing #1 and #1A and any subsequent amendments and any Supplemental Covenants.
- 2.10** DEVELOPER: L'Auberge Communities, Inc. Masterplanned Land Venture, a limited partnership, d/b/a The Spires Broadmoor.
- 2.11** DEVELOPMENT GUIDE: this shall be the plan prepared by the Developer for any filing that illustrates height restrictions, setbacks, and other particular limitations on specific lots.
- 2.12** DWELLING: shall be a residence or accessory structure constructed or proposed to be built on a lot in The Spires Drainage Homeowners Association and any improvements been built in connection therewith.
- 2.13** IMPROVEMENTS: shall be any action or activity on a lot that would change the existing exterior appearance of the lot, or any vegetation, structures, buildings, or other items on it.
- 2.14** LANDSCAPING PLAN: this shall be a plan depicting existing vegetation, changes in the existing vegetation on a Lot, and any proposed additional vegetation, landscaping, pathways, walls, driveways, lighting, or other similar items. Sample plans in accordance with SB 23-178 can be found on the website, under the Architectural Control tab (3 plans).
- 2.15** LOT: shall be a platted lot as shown on the recorded subdivision plat of any portion of The Spires.
- 2.16** OWNER: shall be any person or entity that holds fee simple legal title to a lot. If more than one person has such title, all such people are referred to collectively as "owners" and shall exercise their rights as owners through one of them as they may designate from time to time.
- 2.17** PRIVATE DRAINAGE WAYS: These are established drainage areas that run through the Association. They are natural drainage areas that serve as exit pathways for each Debris Flow Basin. 17 total drainage channels are established, shown on the Plat in the Covenants. A map of their location can be viewed at www.TheSpiresHOA.com, then click on the Debris Flow Basin tab. The areas on the map marked in green are the channels.
- 2.18** THE SPIRES DRAINAGE HOMEOWNER'S ASSOCIATION: shall mean and refer to any property in Broadmoor Bluffs Filing #11, Broadmoor Oak Filing #6, and The Boulders Broadmoor Filing #1, #1A, #1B, #1C, #2 and #5, Stonecliff Filing #6 and 6A, any re-plats thereof, and any subsequent expansion property according to the recorded plat thereof. El Paso County, Colorado.
- 2.19** MASSING: this shall refer to the amount of area on a given structure wall.

3.0 ITEMS REQUIRING ARCHITECTURAL REVIEW

CC&R's - Article I, Sections 121 & 122

These are some but not all items that require ACC review and approval before beginning any work.

For any item not specifically listed here or in these Design Guidelines, please contact the Property Management Company. This section details the requirements for common types of Improvements. It is not all-inclusive.

3.1 Roof Replacement, Rooftop Equipment, Attic Fans, and Skylights

- a) ACC approval is required before roof replacement, even if the new roof uses the same materials and colors as the old roof. Roofing must be complementary to other exterior materials and colors.
- b) Rooftop equipment such as, without limitation, attic fans, ducts, vents, and louvers will preferably be located to minimize visibility from neighboring properties and streets unless such a location would have an unreasonable negative effect on the purchase price, operating cost or performance of the device.
- c) Rooftop equipment and other roof hardware, such as pipes, exposed flashing, and chimney caps, must be painted to match the predominant roof color.
- d) Skylights incorporated into the structure must be architecturally compatible with the home. Skylight frames and hardware must be of a color that blends in with the roof color.
- e) Roofing materials shall be Class A fire rated, which includes tile, slate, copper, composition shingles, or other materials approved by the ACC. No shake or cedar shingle will be permitted. Composite shingles will be permitted if they meet the following design specifications or as approved by the ACC. Pattern and color are to be approved on a case-by-case per plan submittal.
- f) Composition shingles:
 - 1. Must be a minimum two-ply laminated.
 - 2. Must be class "A" fire-rated / Must weigh at least 365 pounds per square.

3.2 Antenna / Satellite Dish / Over the air reception devices (OTARD)

Any owner wishing to install a satellite dish, Internet dish, etc., may do so without the prior consent of the Association if the maximum size of the dish is less than thirty-nine (39.37") inches. Homeowners are requested to install satellite dishes and other permitted antennas in the side or rear yards as low as possible to minimize visibility from adjacent properties and streets when such locations do not unreasonably delay installation, increase the cost, or preclude receiving or transmitting an acceptable quality signal. ACC approval is required for all other external antennas not permitted explicitly by the Telecommunication Act of 1996.

3.3 Solar Equipment/Skylights

If incorporated into the structure and building mass, all solar equipment and skylights must be architecturally compatible with the residence. For information regarding Solar or Energy Generation Devices or Energy Efficiency Measures, please see Sections 3.4 and 3.5.

3.4 Renewable Energy Generation Devices [HB 1270]

A Renewable Energy Generation Device is defined as 1) a solar collector or other device or a structural design feature of a structure that provides for the collection of sunlight and which comprises part of a system for the conversion of the sun's radiant energy into thermal, chemical, mechanical, or electrical energy or 2) a wind-electric generator. The preferred requirements for a renewable energy generation device are:

Regardless of any provision in the Declaration, Bylaws, Articles of Incorporation, Rules and Regulations, or Design Guidelines, under Colorado law, a Renewable Energy Generation Device may be approved by the Association subject to the following:

- a) Any bona fide safety requirement, as required by an applicable building code or recognized electrical safety standard, for the protection of persons or property.

3.5 Approval of Solar Devices.

Requests for the installation of Renewable Energy Generation Devices on residences will be approved by the Association, subject to the following:

- a) The Owner desiring to install a Renewable Energy Generation Device must submit a written request to the Association. The request must include detailed plans and specifications, including but not limited to a description of the type of Renewable Energy Generation Device as well as depictions and descriptions of the proposed location, the number of devices, dimensions, mounting equipment, manner of attachment, the geometry of the Solar Device compared to the residence and visibility of the Renewable Energy Generation Device, including any auxiliary equipment, from neighboring lots, public streets, or common areas. Photographs and manufacturer information must be provided showing the overall appearance of the Renewable Energy Generation Device, recommended installation guidelines, and the proposed style, color, and materials to be used.
- b) Any conduit, junction box, wiring, or other materials must blend with the residence. If any portion of the wiring or other materials is adjacent to the trim, such wiring or other materials must match the trim color and blend with the residence. If any portion of the wiring, or other materials, is located adjacent to the siding, such wiring and other materials must match the siding color and blend with the residence.
- c) Approval may be subject to the Owner entering into a written agreement whereby the Owner, on their behalf and all successors-in-interest, affirms and assumes responsibility for maintenance, repair, and replacement of the Renewable Energy Generation Device; provided, however, that no such conditions shall increase the cost of the device by more than 10% or decrease its performance or efficiency by more than 10%. The owner will also be responsible for all costs of removal and reinstallation of the Renewable Energy Generation Device when roof replacement, repair, or maintenance is required to be performed by the Association.

- d) The association shall approve or deny plans no later than 30 days from the complete application submission and all pertinent documentation. In the event the request is denied, the basis for denial will be described in reasonable detail in the denial communications.
- e) Owner shall be responsible for any roof damage, as well as any damage to any resident's or Association property, including Common Areas, resulting from installation, operation, maintenance, repair, removal, reinstallation, or use of the Renewable Energy Generation Device.
- f) Renewable Energy Generation Devices must be installed per all manufacturer's guidelines. Owners remain obligated to comply with any local municipality requirements concerning the installation of Renewable Energy Generation devices, including all city, county, and state building codes. Approval from the Association does not negate compliance with any such requirements.
- g) Renewable Energy Generation Devices may not be installed on any property owned by another person, leased (except with permission of the lessor), on Common Areas, or on other properties owned by the Association.
- h) If it is determined that any of the above regulations violate applicable law, the Association shall reasonably alter such criteria or deviate from the same on a case-by-case basis.
 - Installed in a location that minimizes visibility from neighboring properties and streets;
 - Integrated into the appearance of the home through the use of matching, complementary or similar architecture, materials, and colors;
 - Screened when the installed location permits;
 - Having a scale and size fitting with a residential setting.

Other energy-generating devices such as gas, propane, or diesel generator must be located on the ground level in a rear yard only and depending upon the proximity to neighboring homes (decks, windows, etc.), the unit may be required to be substantially screened from adjacent properties or the street. Substantially screened may include installing sound-deadening materials, lattice, or other screening-type fencing, shrubs, or trees.

All energy devices and generators must be maintained in attractive, clean, quiet, and safe conditions. Any items creating an annoying situation or sound will be repaired, replaced, or removed at the owner's expense.

3.5 Retaining Walls

Should any retaining walls be developed on the site, they should be as low as possible (maximum height 4 ft.). If retention above 4 feet is necessary, walls should be terraced to a maximum height of four (4') feet to minimize the impact.

Materials used should complement the natural surroundings and the architecture using rock

boulders, stone, masonry, or timbers. The use of textures or colored concrete will require specific approval. Retaining walls must be adequately anchored to withstand overturning forces. Retaining walls must not be located to alter existing drainage patterns and be found on a Site Plan, Improvement Location Certificate, or other plans. The ACC requires a Licensed Engineer's Letter of Certification for retaining walls that exceed four (4') feet in height.

3.6 Screen and Security Doors and Windows

ACC approval is not required to add screen/storm doors or storm windows if the material and color match the primary home color(s) or are similar to existing doors and windows on the home. NOTE: External security treatments, such as security doors, bar-type window coverings, etc., require ACC approval. External security treatments must be compatible with the home in material, style, and color.

3.7 Garage Doors

Garage doors shall be kept closed except when used to permit ingress and egress to or from the garage to deter unwanted neighborhood theft and problems with animals and maintain a pleasing appearance at the front of the residence. Doors may be left open while performing yard work, vehicle cleaning, etc.; someone must monitor the garage area. All garage doors must match in style, color, windows, etc.

[NOTE:](#) Please see Section 3.16 for more information.

3.8 Water Features

The ACC will consider requests to install water features on a case-by-case basis, considering size, materials, location, impact on the neighborhood, and other factors. A water feature is any decorative element in a homeowner's yard designed to retain or convey water, including but not limited to birdbaths, fountains, ponds, waterfalls, and streams, but does not include irrigation systems (refer to the Rules for more information).

Guidelines for water features:

- The ACC must approve the water feature design before installation by submitting a design plan. ACC will consider how a water feature fits into the surroundings with considerations for the home, water feature size, materials used, and the native area where placed. A water feature design approved for one yard is not automatically approved for another location. Professional design and installation services are recommended for ponds and water features.
- No more than one (1) water feature is allowed in the street-facing yard and no more than one in the rear yard (not-street facing). A water feature is limited to a single pump motor. A water feature counts against the number of yard ornaments allowed; see Section 3.12.
- The water feature pump motor should be kept in good order to prevent excessive noise, and any other mechanical equipment must be hidden from the street view.

- If the flow of water creates excessive noise, it should not run between [10 pm and 8 am]
- In warmer weather, mosquito preventative should be added to water to reduce insects' growth, including mosquitoes.
- Water should be treated to prevent algae growth and generally kept clean and odor-free.
- Coloring of water is not allowed.
- Water feature liners (e.g., rubber mats, PVC enclosures, etc.) should not be exposed but covered with rocks or other approved natural coverings.
- Homeowners are advised that water features may be an attractive nuisance, and the homeowner is solely liable for any consequences.
- Drains for servicing and winterizing are recommended.
- Water features should be drained and cleaned of debris during winter months when not running 4 hours per day.

3.9 Vegetable Garden & Fencing

Vegetable gardens should be located on the Lot so that the garden and its accessory operating areas are at least partially screened. Vegetable gardens require ACC approval before installation. Vegetable gardens must be located at least five (5') feet from the house and ten (10') feet from property lines. On a case-by-case basis, the ACC may allow a protective fence to be placed around approved vegetable gardens during the growing season. The fence, like the vegetable garden, must be substantially screened. The fence's height may not exceed five (5') feet. The fence may be wrought iron style or a style using metal posts with welded wire fence fabric. Approved colors are black, gray, brown, and green. Fences other than wrought iron must be removed and stored out of view during the non-growing season if the fence is readily visible from neighboring streets or properties. Chicken wire, chain link, and split rail styles are not allowed.

3.10 Fences and Screening

CC&R's - Article I, Section 129

The use of fencing and screening will not be permitted except for privacy areas or animal control areas. Privacy fencing along property lines is strictly prohibited. The stained, natural coloration of a wood fence, vinyl, or metal fencing shall be compatible with the house's coloration, deck, etc. Painted fences are prohibited, but solid body oil-based stains are acceptable.

- Deck/Patio Privacy / Other Fencing:** The ACC may allow solid wood or vinyl privacy or ornamental steel fencing surrounding or shielding patios and decks on a case-by-case basis. The fence's location and size will be determined, given its impact on adjacent properties and streets. The fence should not exceed six (6') feet in total height above grade and must be compatible with the home in material and color.
- Landscape Fencing:** The Association allows thin gauge wire fencing (which must be galvanized steel, dark green, or black – to appear as unobtrusive as possible) and plastic

net-type fencing (which must be dark green or black) to surround or shield newly planted landscaping material and flowers from animal damage. This fencing may enclose small established planter areas not to exceed 100 square feet. Owners may not enclose large sections of shrubbery, trees, mulch beds, or other areas with one fence, and plants must have individual protection for areas not in established small beds.

- c) **Tree Fencing and Protection:** Several protective tree coverings are permitted, such as plastic hard and soft wraps, rigid black pipe, and welded wire (which must be galvanized steel, dark green, or black – to appear as unobtrusive as possible). These wraps are not to exceed five (5') feet in height on any tree and must be maintained/monitored to ensure they do not damage the tree.

This fencing may not enclose multiple trees, which could be interpreted as a perimeter fence. This fencing is not permitted to be a permanent installation but for short-term use to establish the landscape material. The ACC will determine the type, style, and location of fencing and when it should be removed.

- d) **Electronic Fencing:** The ACC encourages underground invisible dog-run fences to promote the neighborhood's open character. If electronic fencing is used, the owner must post a small sign near any sidewalk, identifying pedestrians of a system. Owners cannot run the underground wire along sidewalks that border City streets and where a sidewalk is present. The fencing must be kept at least six (6') feet from the sidewalk edge on the interior side of the lot to keep any pet(s) from approaching people on the sidewalk.
- e) **Dog Run Fencing:** The ACC may allow above-ground dog run fencing on a case-by-case basis. Dog run areas will not exceed five hundred (500) square feet in size, meaning the total square footage of a yard includes hard and landscaped areas, and the fence height should not exceed five (5') feet above grade. The location, size, and type of material used for the dog run will be determined with consideration, given its impact on adjacent properties and streets. Dog runs must be installed in the side or rear yard only. The fencing should be attached to the home and be compatible with the house in material, style, and color. Dog runs must be adequately screened with landscaping from neighboring properties and streets as determined by the ACC. The ACC will consider alternative dog-run fence designs on a case-by-case basis. Chain-link fencing shall not be permitted. Welded wire panels or fabric mesh (painted a neutral color conducive to the home's color or surrounding environment is encouraged) may be used for animal control. It must be fastened on the interior fence system.

3.11 Yard Ornaments

- a) An Owner may place a small number of yard ornaments on their property without ACC approval. No more than four (4) ornaments shall be located in the front of a home. A home situated on a corner lot may have no more than six (6) additional ornaments in the rear yard.
- b) As determined by the ACC, the yard ornaments must be of a color, design, and appearance that fit The Spires' character. Yard ornaments may not exceed 36" in height, width, or

depth. Ornaments must be maintained for an attractive appearance.

- c) An Owner may request approval to install ornaments that exceed these limits in size or number. The ACC will consider these requests on a case-by-case basis. Items such as, without limitation, inflatable displays, animal figures, birdbaths, birdhouses, fountains, sculptures, and statues are yard ornaments. The ACC shall have sole discretion in determining whether an item is deemed a yard ornament. This guideline intends to allow Owners to display small, personalized items that enable individuality but do not clutter or detract from The Spires' overall aesthetics.
- d) Approval is not required for the temporary placement of reasonable and tasteful seasonal decorations on an Owner's property. At its discretion, the ACC may order the removal of any seasonal decorations it deems to be too numerous, in poor taste, or otherwise objectionable. Seasonal decorations must be removed within thirty (30) days after the relevant season has ended, weather permitting.
- e) Artificial flowers and plants are permitted in containers on porches, decks, patios, and other paved areas near the house. The flowers or plants must be seasonal and realistic in appearance.

3.12 Accessory Structures

Should any accessory buildings or facilities be developed on the property (including but not limited to gazebos, stand-alone garages, greenhouses, tennis courts, swimming pools, play/sports equipment, etc.), they should adhere to the guidelines outlined for buildings and site planning. It is crucial that the massing and scale and forms, materials, and other detailing be well- coordinated with the site's main structure. **NOTE: No storage sheds will be allowed.**

3.13 Lighting

All exterior illumination used for buildings, drives, walks, signs and general landscape purposes shall be of a "sharp cut-off design," minimizing impacts on adjacent properties. Lighted columns require specific approval by the ACC. Soffit mounted lighting systems are not allowed, such as JellyFish, TrimLight, etc.

3.14 Outdoor Firewood Storage

ACC approval is not required for wood storage if the amount does not exceed one (1) cord (3'x3'x6'), is located in the rear or side yard, is not visible from the street, and is neatly stacked and unobtrusive as possible. Any amounts more extensive than one cord must be stored inside due to the fire hazard.

3.15 Flags and Flagpoles

- a) ACC approval is not required to fly a flag as long as the flag is less than five (5') feet in the longest dimension, is flown from a pole mounted on the main structure on the lot, is located no higher than the lower edge of the adjacent roofline and is not flown at night and correctly displayed.
- b) No flags bearing commercial messages (i.e., about the exchange or buying and selling of commodities and intending to make a profit) may be displayed in the community.

- c) American Flags: the pole should not exceed a maximum of 2”-4” diameter base and not exceed twenty (20’) feet total installed height, with a maximum 3’x5’ flag.

3.16 Painting/Repainting

ACC approval is required for all exterior home painting or repainting and accessory improvements. The submittal must contain the manufacturer, paint chips with name and code number, or a color photograph or website link.

Approval will consider, but not be limited to, the color tone and brightness, the home, architecture, stone or brick accents, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties. Downspouts must be painted to match the home's primary background color (body color, stone, etc.) unless specifically approved by the ACC (copper, etc.)

As a reminder, an ACC request must be submitted for review and approval before beginning any work, whether you are installing a new door or repainting existing doors.

If you have more than one (1) garage door, the other doors must match in style to each other (windows, door panel design, hardware, etc.). If the door is not painted to match the home's primary body color, the color must match other existing color(s) on the house and complement all existing color schemes. An example: the garage doors would need to closely match in the color range to other colors on the house, such as the front entry door, shutters, accents, wood timbers, trim or soffit/fascia paint, etc.

Duplicating existing colors and combinations does not constitute acceptability and may not be approved for repainting.

3.17 Hot Tub/Jacuzzi

Hot tubs and Jacuzzis should be designed as an integral part of the deck or patio area and must be located in the side or rear yard area. The unit may be required to be substantially screened from adjacent properties or the street. All hot tubs and Jacuzzis are maintained in an attractive, clean, quiet, and safe condition. Any unit creating an annoying situation or sound will be repaired, replaced, or removed at the owner's expense. The use of full privacy fencing around a hot tub is permitted, with the maximum installed height not to exceed six (6') feet above grade. Please reference Section 3.10 (a) for information on privacy fencing.

3.18 Air Conditioning Equipment

Central air conditioning systems must be located on the ground level with the condenser being situated in a side or rear yard only and depending upon the proximity to neighboring homes (decks, windows, etc.), the condenser may be required to be substantially screened from adjacent properties or the street. Substantially screened may include the installation of lattice or other screening-type fencing, shrubs, or trees.

Window-mounted air conditioning systems may be permitted ONLY in the rear of the home upon approval by the ACC.

All central air conditioners (or similar appliances) and related fixtures must be maintained in an attractive, clean, quiet, and safe condition. Any air conditioner or similar apparatus, which creates an annoying situation or sound, will be repaired, replaced, or removed at the owner's expense.

3.19 Play and Sports Equipment

Before installation, the ACC must approve all permanent and portable recreational structures for design, size, and placement. All recreational/sports equipment (i.e., trampolines, swing sets, portable soccer nets, "goals," etc.) are to be placed to minimize its visual impact from adjacent properties. Screening of play/sports equipment may be required. Wood structures are encouraged. Metal equipment must be of subtle coloring that causes the structure to blend into the surrounding environment. The proposed paint color is to be approved by the ACC at the plan submittal.

Recreational equipment should typically be located in rear yard areas and set back a minimum of ten feet (10') from property lines. Consideration shall be given to the location of recreational equipment not to create an undue disturbance to neighboring properties. Recreational equipment shall be predominantly muted, earth tone colors and shall not exceed twelve feet (12') in height at grade unless otherwise approved by the ACC. Recreational equipment or items used for front yard play must be stored out of view when not used.

Basketball backboards shall be located either on the home or by separate support based on the least visual impact at the Committee's discretion. Regulation backboards are required. If mounted on the house, Basketball backboards must be painted to match the home's body color or as approved by the ACC. The ACC will approve the color of pole supports on a case-by-case basis.

All equipment must be kept in serviceable and operating condition.

Requests for pole-mounted backboards will be considered by the ACC in the front yard along the driveway's side only or in the side and rear yard areas subject to the following considerations: proximity to the property lines, proximity to the neighbor, living areas, landscaping, and vehicles. Portable freestanding basketball units may be conditionally approved if reasonably placed for use in the driveway and properly stored when not in use.

Properly stored when not in use means the unit should be kept inside the garage or stored so that it is not visible from the street; this is during the summer months only. During the winter, units must be stored inside a garage when not in use. Placement on the road or within the right-of-way violates the city ordinance and shall not be accepted. Portable units require the same approval for placement as permanent units. Pole support must be black or white (or as approved by the ACC on a case-by-case basis.)

3.20 Decks

Outdoor living areas are encouraged. The design of such spaces should be coordinated with building construction, extending similar materials compatible with color and texture to the particular building (brick, pre-cast concrete pavers, and treated wood are acceptable). Privacy screening for such spaces should extend to those areas where it is essential. Light-colored deck materials are discouraged. Decks must maintain the overall form and be a natural extension of a home's architecture. Decks and balconies must be integrated into the building using similar materials and detailing.

Deck support posts must have a substantial scale that visually anchors them to the ground and should be a minimum cross-section of [8"x 8", 10" x 10" / 12" x 12"]. Decks may be constructed of either natural wood or maintenance-free materials. The deck structure colors, decking, and railing must be compatible with the main structure's colors. Deck materials and appearance must be appropriately maintained.

3.21 Patio Covers, Trellises, Ramadas, and other Shade Structures

Patio covers, trellises, ramadas, and other shade structures must be constructed of wood or material complementary to the home and be similar or complementary in color. Any roofing material, siding material, fascia, trim, gutters, and downspouts used in the structure must match the same material used on the home. Where utilized, support posts must be at least six (6") inches x six (6") inches in cross-section. These structures must generally be located only in the side or rear yard areas. The ACC will consider front yard locations to show that a requested structure reduces energy consumption.

3.22 Construction or Remodel Material Storage

Owners are permitted to only store a reasonable amount of building and construction material in the driveway, including a roll-off or other trash container. Contractor vehicles and trailers may be parked overnight but only during active construction, and all equipment must be removed upon project completion.

3.23 Placement and Usage of Rain Barrels

Residents who choose to collect precipitation from their rooftops must use rain barrels. A "Rain Barrel" is a storage container with a sealable lid located above ground outside of a residential home used to collect precipitation from a downspout of a rooftop. Before placement of Rain Barrels on a Lot, residents must obtain written Architectural Committee approval.

To obtain such permission, residents must submit a written application to the Architectural Committee containing the following information:

- a) The Rain Barrel(s) proposed location, which must be at the back corner of the house so as not to face, or be visible from, the street;
- b) The size, dimension, and color specifications of the Rain Barrel(s), which shall not be more than two, with a combined storage capacity of 110 gallons, and must harmonize with the color scheme of the home or be a neutral color;
- c) The Rain Barrel(s) shall be commercially manufactured and must be mosquito resistant; and
- d) Suppose the resident submitting the Architectural Committee application is the lessee of a Lot. In that case, the application must be accompanied by written approval from the Owner or lessor of the Lot for the Rain Barrel(s) placement on such Owner's Lot.

Upon receipt of a written application from a resident, which, in the Architectural Committee's sole discretion, conforms to the above requirements, the Architectural Committee shall approve or deny such application in conformance with the Declaration.

Rain Barrels on Common Elements Prohibited. The placement of a Rain Barrel on the Common Elements in the community by any Owner is prohibited using Collected Precipitation. Collected precipitation must be utilized for the Lot upon which it is collected and may only be used for outdoor purposes such as lawn irrigation. Collected rain may not be used indoors or as drinking water.

3.24 Artificial Turf Guidelines:

Any lot in the community is limited to having artificial turf in the rear yard only; that is not visible from the street, or any area directly abuts the road. There must be adequate screening/shielding, so the turf is not visible from the street. The possible installation areas are for any existing "developed" landscaped areas in the rear yard, whether existing turf, mulch beds, rock beds, islands, etc. All owners must submit an ACC request before installation and receive approval before beginning any work. The request should include the following:

- Photo(s) of the area to be covered by the artificial grass
- A sample of the product, including model name and style
- Complete product specification sheet from the manufacturer
- The manufacturer's warranty on the product being submitted
- The proper drainage plan, if required
- Photo(s) of proximity areas as well as a description of the method of installation
- If the rear yard is open from the side or back and is easily seen from a neighboring lot, the Association "neighbor acknowledgment" form must be provided.

Guidelines: The design plan must incorporate natural curved boundaries where possible (avoid squares, rectangles, etc., except if abutting a concrete patio or other existing straight-line item).

The turf ***may not*** be installed directly up to the home's foundation; there must be a rock or mulch border to separate the turf. The artificial grass product must be polyethylene and have a minimum face weight of 50 oz. with a 20 oz. weight permanent backing.

1. The color must be like the geographical area, a blended, multi-color monofilament fiber, and a minimum pile height of 1.5 inches.
2. Professional installation is required and must include a weed barrier and a properly prepared aggregate base for drainage. An infill system is needed.
3. Artificial grass must be cleaned as necessary and periodically groomed to maintain its appearance.
4. The owner will inspect the turf annually after the warranty period's expiration to ensure the aesthetic properties are maintained. The Association may require replacement if there are signs of damage, lifting, unevenness, worn areas, fading, deterioration, etc.

4.0 LANDSCAPING STANDARDS & GUIDELINES

CC&R's - Living Environment Standards

All areas within The Spires Drainage Homeowners Association is within the City of Colorado Springs Hillside Area Overlay Zone. Two of the main objectives of the Hillside Zone are to conserve the unique natural features and aesthetic qualities of the hillside areas, including the preservation of existing scrub oak, coniferous trees, and other natural elements such as rock outcroppings and to minimize water run-off and soil erosion problems incurred in the adjustment of the terrain. In reviewing Landscape Plan submittals, the ACC will evaluate plans to ensure that these objectives are met to the maximum extent possible.

4.1 New Lawns

Article I, Section 124

Homeowners shall be responsible for installing the landscaping of their lot within six (6) months of occupancy of their residence unless the home is first occupied between October 1 and March 1, where completion of the installation may be delayed until September 1. The landscape should preserve natural vegetation, including existing trees, surface boulders, rock formations, and scrub oak. No existing trees, surface boulders, rock formations, or scrub oak shall be removed from any lot unless required by construction, as directed by the Fire Department for Fire Mitigation, or as approved by the ACC. Sample plans in accordance with SB 23-178 can be found on the website, under the Architectural Control tab (3 plans).

4.2 Existing Lawn / Modification

Article I, Section 126

Homeowners must submit a plan for updates to their existing landscaping and shall have the work completed promptly or as designated by the ACC. Work should be completed promptly, and projects should not be initiated late in the fall if the work cannot be completed before winter.

Owners are responsible for lawn maintenance even if the home is vacated, for sale or other

circumstances arise. Areas surrounding the primary dwelling may incorporate more manicured plant materials (unless otherwise restricted by a geotechnical report). It is recommended that a non-irrigated buffer exists between the foundation and sodded areas. When transitioning from manicured landscaping to natural areas, the transition area shall consist of native grasses and ground covers (found on site) having low water requirements. The use of artificial ground covers such as bark mulch, gravel, and rock mulch shall be minimized and is not desirable unless such areas include substantial planting. Irrigation systems should efficiently distribute water to those plants that require it and be concealed below the topsoil. Temporary drip or other low-water consumption systems will be encouraged. Sample plans in accordance with SB 23-178 can be found on the website, under the Architectural Control tab (3 plans).

4.3 Turf / Lawn Materials

Landscaping should include a combination of sodded turf areas (where permitted) and shrub and ground cover bed areas. Large mulch or bed areas without substantial shrub or ground cover plantings are unacceptable.

Stone or gravel mulch with harsh, unnatural, or high-contrast colors shall be strictly prohibited (i.e., black granite, white marble, and lava rock are not acceptable rock mulch materials). Bed areas on adjacent lots should be coordinated to provide visual continuity from one lot to another and minimize the definition of property boundaries.

Linear planting along the lot's property lines or other areas shall be prohibited. The careless treatment of trees and other vegetation in the preservation areas shall be restricted. Removing rocks, trees, plants, or topsoil from any portion of the property other than the Owner's lot shall be prohibited.

4.4 Landscape Irrigation & Water Conservation

In the landscaping of residential lots, it is urged that plant materials, irrigation systems, and maintenance practices are utilized to conserve water. Using Xeriscape landscape practices, a more traditional green appearance can still be achieved while using much less water than typical suburban residential landscapes. Care shall be given to the system's design to minimize overspray onto walkways, driveways, and streets. Because water conservation is a desired community goal, the system design should utilize the most current state-of-the-art water conservation technologies. Digital controllers, drip irrigation, low water consumption irrigation heads, and micro-jet spray heads are just a few examples of the technology currently available. Sample plans in accordance with SB 23-178 can be found on the website, under the Architectural Control tab (3 plans).

4.5 Lawn Care / Landscape Maintenance

All landscaping on any Lot shall be maintained in a neat, attractive, and reasonably maintained condition. The minimum maintenance requirements include scheduled watering, mowing, aeration(s), fertilization(s), edging of grass where it meets concrete or other defined surfaces on the Lot, removal of all weeds and grasses from rock and mulch beds, maintaining edging around all bed areas, refreshing mulch or rock, and ensuring weed fabric is not

showing, pruning of shrubs, ground cover, trees, scrub oak, etc., the removal and replacement of dead or dying plant material, the elimination of noxious and other weeds and undesirable grasses on the Lot to include the joints at the street and sidewalk areas and removal of any trash/debris.

Any dead trees must be removed as soon as possible or upon notification not to exceed sixty (60) days. As directed by the Association, any tree replacements should be conducted within thirty (30) days of notification. Any dead shrubbery or sod must be replaced within thirty (30) days unless the ACC grants additional time. Any dead material must be shredded on the lot or removed. Tree stakes should be removed after two (2) years of initial planning unless required for high wind assistance and must be actively attached to a tree.

Many native areas that are not maintained weekly should be monitored and cared for as needed, usually meaning the grasses and weeds will be cut three (3) to four (4) times a year.

Any native area that borders a street must be maintained in a neat and attractive condition throughout the year, with the grass being cut back from the curb or sidewalk a minimum of five feet (5'), ranging from four (4") inches to nine (9") inches in total height.

4.6 Wildfire Mitigation / Fire Wise

A community approach to reducing structural ignitability and overall community vulnerability depends on our residents to engage in fuel reduction efforts around the home and reduce the home's components' ignitability. The Association desires to educate the members about how homes ignite and how to reduce ignition potential, with the end goal being for owners to modify their homes and surrounding landscapes most effectively.

Suppose an owner wants to conduct wildfire mitigation work on their lot. In that case, they may do so without prior Association approval if the mitigation area is within 15 feet of the structure and does not violate any other local fire code, City regulation, Hillside ordinance, etc. This includes pruning Scrub Oak, shrubs, and trees and removing the same items. It is recommended to give notice to the Association and immediate neighbors as a courtesy when performing mitigation work.

For the area outside of 15 feet from any structure, the owner must submit an ACC request detailing what work is planned (pruning, removals, thinning, etc.) and receive approval before beginning any work.

From a fire-protection perspective, the Hillside Ordinance specifies a "Safety Zone" of 30 feet around buildings, not to extend past the property line, to protect from fire. Within this safety zone, maintenance is essential. Trees should be checked for dead branches and overlapping limbs, and these limbs should be pruned.

Removal of Vegetation

The Hillside Overlay prohibits the outright removal of existing vegetation except in certain situations. For example, a clear zone of 10 feet surrounding a building is required by the Fire Department. Any vegetation may be removed within this area without approval from City agencies.

Dead and dying vegetation can also be removed within the “Safety Zone” but may need to be replaced later. Removal of any other vegetation may require the Development Review Enterprise (DRE) approval. Contact the DRE at (719) 385-5905.

During extreme wildland-urban fires, homes ignite in two principal ways: 1) directly from flame impingement and 2) from direct firebrand ignition (burning ember spot ignitions). Suppose a homeowner modifies the home through home hardening features and vegetation management, i.e., the home ignition zone. In that case, the house is less susceptible to ignite during a wildfire and thus has a much greater chance of standalone survivability during a wildfire event.

A. Defensible Space

Your first defense against wildfire is to create and maintain a defensible space around your home and ensure your home has hardened features. This does not mean your landscape must be barren.

Defensible space is an area around a structure where fuels and vegetation are treated, selectively thinned, or reduced to slow the spread of wildfire toward the structure. This area is typically defined as the first 30 feet around your home, not extending past the property line. Creating defensible space reduces the chance of a structure fire moving from the building to the surrounding forest or neighboring home. Defensible space also promotes firefighter safety and allows fire personnel to protect your home better. Your house is more likely to withstand a wildfire if grasses, brush, trees, and other common forest fuels are managed to reduce a fire’s intensity. The following are a few critical steps to creating a defensible zone but are not a comprehensive list.

- *Actively manage your roof.* Clean the roof and gutters of pine needles and leaves at least twice a year to eliminate an ignition source for potential fires.
- *Stack firewood and woodpiles at least 30 feet from any structure.* Ensure they are uphill or on the same level as structures, and clear away combustible vegetation from within 10 feet of these woodpiles. Do not stack firewood under the deck.
- *Remove unhealthy vegetation.* Trees and shrubs that are stressed, diseased, dead, or dying should be removed to become a fuel source for potential fires.
- *Thin out continuous tree and brush (shrub) cover around structures.* Remove combustible vegetation, items such as dead, diseased, and weakened plants or trees, pine needles, leaves and debris on the ground, firewood, mulch, and different species of Junipers and Pfitzer bushes (as noted in the Fuels Management Ordinance) from within the initial 15 feet around structures and do not plant any conifers within 15 feet of the structure.

- *Beyond the initial 15 feet, thin trees to achieve a 10-12 foot crown spacing.* Occasionally, clumps of two or three trees are acceptable for a more natural appearance if additional space surrounds them.
- *Mow grasses and native areas to a height of six inches or less for a distance of 30 feet from all structures.*
- *Prune tree branches within the defensible space up to a height of 10 feet above ground or preserve 75% of the tree canopy.*
- *Dispose of all slash and debris left from thinning by either chipping or hauling away.*
- *Remove shrubs and small trees or other potential ladder fuels from beneath large trees.* Left in place, these fuels can carry a ground fire into tree crowns.
- *Trim any branches extending over roofs 5 to 7 feet and remove limbs within 15 feet of chimneys.*
- *Clean pine needles, leaves, and other debris from roofs and gutters.* This eliminates an ignition source for firebrands, especially during hot, dry weather.
- *Place liquefied petroleum gas (LPG) containers at least 30 feet from structures.* Clear anything flammable, including vegetation, from within 10 feet of all tanks. For any outdoor gas-operated devices (grills or fire pits), you should have at least two (2) shut-off gas valves, one at the home and one at the unit. Please know where these valves are located.

B. Lot Maintenance

Owners are encouraged to clean up the ground cover and scrub oak areas on the lot and improve fire survivability by following the above practices. Many of the scrub oak areas on a lot can be pruned at the bottom roughly four to five (4'-5') feet, which still provides privacy in the upper areas. The immediate border around the home and other outdoor living areas should have the ground cover in rock.



BEFORE



AFTER

4.7 Xeriscape / Landscape Updating

As a reminder, you must submit your plans for changing your landscaping to the ACC and receive approval before beginning any work.

Xeriscape is the basic premise of gardening principles that focus on creative, natural approaches for constructing low-maintenance, water-efficient, and sustainable landscapes.

For owners wishing to update their landscaping, make changes to reduce water consumption, or install more drought-tolerant plant materials, the following guidelines will apply:

- The area from the street curb to the sidewalk: if sod is removed, there will need to be some tree or plant(s) installed to break up the ground cover density. The recommended density is one (1) tree or shrub/cluster of 2-3 bushes every fifteen (15') feet. This will break up the ground cover's massing, whether the cover is rock or mulch.
- Other areas on the lot (turf, native or ground cover): if sod is removed, there will need to be some plant, tree, or boulder installed to break up the density of the new ground cover. The recommended density is five (5) to seven (7) plants or items per 100 square feet or as approved by the ACC. This will break up the ground cover's massing, provide visual interest and soften the massing of the new ground cover.
- Ground Cover:
 - ~ Low-growing plants (generally less than 24 inches) that spread quickly are suitable ground cover plants, and appropriate places include dry slopes.
 - ~ Consider ground covers on hot, dry, south, and west exposures and for dense, dry shade. Improve soils before planting ground covers.
 - ~ A ground cover should grow dense enough or be mulched to inhibit weeds.
 - ~ If rocks are used, ensure they are supported on all sides to keep them in place, or use jagged-shaped stones and provide a weed barrier fabric.
- Owners are strongly encouraged to install a rock border around the home. If mulch is in place, the rock should be installed to reduce fire risk.
- Soil analysis is critical if you are considering Xeriscaping. Which nutrients are available or deficient in the soil? What is the pH? This will affect which plants can thrive on your lot. You may need to amend the ground to create healthy soil.
- Ornamental Grasses:
 - ~ Grasses are adaptable and can grow in more deficient soils than many other garden plants, requiring little effort to maintain.
 - ~ Grasses come in many heights, colors, and textures and have varying water requirements.
 - ~ Grass seed heads and foliage add fall and winter interest.
 - ~ Grasses can be used as groundcovers, specimen plants, erosion control, and vertical design elements.

5.0 MAINTENANCE GUIDELINES

5.1 Common Area Maintenance

Article I, Section 319

Common Area shall refer to all real property owned by the Association for the everyday use and enjoyment of the Owners. In the interest of safety, owners must supervise their family members to avoid potential hazards in the Common Areas (landscape or terrain hazards, utility boxes, easements, debris flow basins, rock areas, etc.). A map showing the Common Areas for The Spires may be found on the website, www.TheSpiresHOA.com.

5.2 Association Responsibilities

Private Drainage Ways (PDW's): are established drainage areas that run through the Spires development. They are natural drainage areas that serve as exit pathways for each Debris Flow Basin. Seventeen (17) total drainage channel areas are shown on the Plat in the Covenants. A map of their location can be viewed at www.TheSpiresHOA.com, then click on the Debris Flow Basin tab. The areas on the map marked in green are the PDWs. The following street address has a PDW located on a portion of that Lot:

- Paisley Drive: 275 HOA property, lot line of 585 & 595, 625 HOA property; 715, 720-730-740 that adjoins 360 Ellsworth Street and 6010 Buttermere Drive;
- 590 Paisley and 6095 Buttermere lot line shared connecting 580 Paisley, 6089 & 6085 Buttermere, and 5950-5930-5940 Gladstone Street;
- 5935-5955 Gladstone adjoins 443-427-411 Darlington and 380-390-410-420 Paisley;
- Darlington Way: 332, 348 & 5830 Broadmoor Bluffs Drive;
- Colfax Terrace: 6285, 6290, 6295 connect with 515, 485, and 475 Paisley;
- Buttermere Drive: 5955-5965 adjoins 5711-5723 Adrienne;
- Adrienne Court: 5748 adjoins 5620 Gladstone;
- Irvington Court: 342-350-358, 351-359 that adjoins 270 Ellsworth HOA property;
- Wellfleet Street: 5798 adjoins 327 & 351 Irvington and then to 270 Ellsworth;
- Ellsworth Street: 285 adjoins 295, 281-275-225-215 Balmoral and 5906-5904 Buttermere;
- Balmoral Way: 210-220 adjoins 150-160-170 that tie into 95 Kirkstone Lane;
- Balmoral Way & Ellsworth: runs behind the following lots: 286-280-274-268-262-256 that meet with 139-143-147-151 Kirkstone Lane, and runs behind the following lots: 185-175-165-145-115-105-101 and 95 Ellsworth;
- Stonebeck Lane: 275-265-255, 235 that meets 5610 Jarman Street, continuing downstream to 5595-5615 Jarman and behind the following Jarman lots: 5585-5565-5535-5447-5455-5425 and 5415.

All PDWs are inspected at a schedule as determined by the Board of Directors and after any significant rainfall event. Owners are encouraged to report any problems they see in these areas. The Association will make any necessary repairs, perform clean-up actions, and remove any items/debris in these areas to ensure the drainage flow is not interrupted. It is essential to ensure no landscaping, debris, dead trees, vegetation, or adjacent lot erosion will impact the natural flow of water through the drainage channels.

Each owner is responsible for all portions of the lot outside the channel easement area.

Most easement areas generally extend into each Lot about 20' from the property boundary, but each lot varies. As stated above, the Association asks that each owner monitors that portion of their Lot to ensure no items are in the flow area. Owners are not to dump any items in the drainage area and need to keep the site free from landscaping and other debris; such as fallen trees, grass clippings, rocks, boulders, dead plant material, leftover landscaping materials, etc. Owners are encouraged to check the area and report any unusual items to the Management Company.

Purpose of the Association: "Section 303. The Association shall be formed to maintain and repair the "Debris Flow Channels" as indicated on the Plats of The Boulders Broadmoor Filing No. 1 and The Boulders Broadmoor Filing No. 1-A or as may be displayed on any supplemental plats thereof. The Owners now acknowledge that the Debris Flow Channels benefit all of the Owners, regardless of their location.

All Owners shall be obligated to contribute to the maintenance and insurance thereof as provided in these Covenants and the Association's Articles of Incorporation and Bylaws. The Owners now also acknowledge that the Debris Flow Channel, contained within Tract A of The Boulders Broadmoor Filing No. 1-A (Tract A), shall initially be maintained by the owner, which is currently the Declarant. At such time as the Owner of Tract, A shall replat Tract A into Lots and shall subject Tract A to these Covenants, the Debris Flow Channel within Tract A shall be maintained by the Association and shall be deemed to be a Maintenance Area as described in these Covenants."

Association Easement: "Section 112. There is hereby reserved to the Association, a perpetual easement in, over, under, and across those portions of each Lot, upon which a Maintenance Area is located, which easements shall be for the purpose of maintaining and repairing the applicable Maintenance Area. The Owners of Lots 26, 28, 29, 32, 37, 40, 42, 43, and 44, all in The Boulders Broadmoor Filing No. 1 and Lots 4, 5 and Tract A, as defined in Article 11 hereof and subject to the terms of Section 303 hereof, all in The Boulders Broadmoor Filing No. 1-A, each hereby acknowledge that a Maintenance Area exists within their respective Lots and that the Association has been granted an easement to repair and maintain the Maintenance Area located thereon pursuant to the terms of this Section 112.

Mailbox Units – Stone Enclosures & Concrete Pads: The Association shall be responsible for maintaining and replacing the stone/mortar mailbox surrounds. It will also maintain the concrete pad the units rest on and the sidewalk's front portion. Please note, the mailboxes are property of the United States Postal Service. Nothing is to be adhered to or attached to the stone/mortar mailbox surrounds.

5.3 Board Determination of Maintenance Responsibilities

The Board shall exercise reasonable business judgment in determining the respective maintenance responsibilities of the Association. Determination of whether such repair or maintenance is the Association's obligation shall rest solely with the Association, which shall be responsible for determining the kind and type of materials used in such repair and maintenance. Decisions by the Board shall be final and conclusive. The Board may make such decisions either by Design Guidelines, Resolution or by decisions made in particular instances.

5.4 Owner Responsibility

Article I, Sections 137, 138,

Maintenance of Homes / Individual Lots: To keep The Spires an attractive, quality environment, each owner shall maintain the exterior or any Improvements, including buildings, other structures, landscaping, walks, driveways, and parking areas on his lot in good condition and shall cause them to be repaired as the effects of damage or deterioration become apparent. Exterior building surfaces and trim shall be repainted periodically before the surfacing becomes weather-beaten or worn off, as determined by the Board or other Association representatives, such as the ACC or Management Company. Any dead or diseased landscaping will promptly be replaced, all lawns will be mowed appropriately and maintained, and weeds and other noxious plants will be controlled.

The Board of Directors, ACC, or Management Company shall have the final approval of the condition of a home and if maintenance is required.

The ACC will review requests for modifications to a home for persons with disabilities by the Federal "FAIR HOUSING ACT OF 1968", 42 U.S.C. SEC. 3604 (f) (3) (A).

Lawn Care / Landscape Maintenance: All landscaping upon any lot shall be neat, attractive, and reasonably maintained. The minimum maintenance requirements include scheduled watering, mowing, aeration(s), fertilization(s), edging of grass where it meets concrete or other defined surfaces on the Lot, removal of all weeds and grasses, including chemical treatments for rock and mulch beds, maintaining edging around all bed areas, refreshing mulch or rock, and ensuring weed fabric is not showing, pruning of shrubs. Ground cover, trees, scrub oak, etc.; the removal and replacement of dead or dying plant material; the elimination of noxious and other weeds and undesirable grasses on the Lot, including the joints at the street and sidewalk areas and removal of any trash/debris.

Any dead trees must be removed as soon as possible or upon notification not to exceed sixty (60) days. As directed by the Association, any tree replacements should be conducted within thirty (30) days of notification. Any dead shrubbery or sod must be replaced within thirty (30) days unless the ACC grants additional time. Any dead material must be shredded on the lot or removed. Tree stakes should be removed after two (2) years of initial planning unless required for high wind assistance and must be actively attached to a tree.

5.5 Vacant Lots

Many native areas that are not maintained weekly should be monitored and cared for as needed, usually meaning the grasses and weeds will be cut three (3) to four (4) times a year. Any native area that borders a street must be maintained in a neat and attractive condition throughout the year, with the grass being cut back from the curb or sidewalk a minimum of five feet (5'), ranging from four inches (4") to nine inches (9") in total height.

6.0 GENERAL RULES & REGULATIONS / MISCELLANEOUS

6.1 Snow Removal

Each owner is responsible for removing snow from their sidewalks; this includes all sidewalks on the Lot that borders a street. All sidewalks must be cleared if a lot has sidewalks on the front and rear or multiple sides. Owners are encouraged to place snow on the lot, not on the street or curb.

Please reference Colorado Springs City Code, updated by Ordinance 06-162 passed September 26, 2006; the following information and policies apply:

“3.4.202: It shall be unlawful for the owner to permit snow or ice or both to remain on the sidewalk which abuts the real property, or to which the real property is adjacent, or upon any sidewalk located upon the real property subject to a public easement or right of way, at any time after residential property, twenty-four (24) hours after the termination of falling snow.”

A violation shall constitute negligence and an unlawful act, subjecting the violator to civil liability for any injury proximately caused by the breach, civil liability for the costs of removal, and criminal prosecution.

6.2 Living with Wildlife

Living in a foothills environment also creates an appropriate need for caution where wildlife is concerned. It is a violation to feed or harass wildlife. Any persons caught doing this will be subject to State, City, and Association penalties. The State's fine for a dog harassing wildlife is \$274. Colorado considers big game animals as state property. That means pet owners could be billed for any wildlife injured or killed by their dog. Colorado law also allows any peace officer to capture or kill a dog caught chasing wildlife.

Under Colorado law, intentionally feeding big game animals is illegal. The prohibition applies to deer, elk, antelope, mountain goats, bighorn sheep, mountain lions, and bears. Violators face a State fine. Please visit the Colorado Division of Wildlife's web page (<http://wildlife.state.co.us/>).

6.3 Pets

Article I, Section 144

These Rules are necessary for the health, safety, welfare, comfort, and property values of The Spires Drainage Homeowners Association.

- a) No pet shall be permitted to run loose anywhere in the community and must be fenced or restrained by electronic fence controls at all times within the Lot.
- b) No pet shall be permitted to bark, howl, whine, or otherwise create any obnoxious sound, odor, or disturbance. No animal of any kind shall be permitted which, in the opinion of the Board, makes an unreasonable amount of noise or smell or is a nuisance.

- c) If the Association determines a pet is an unreasonable burden or is a danger to the community because of a bite or attack, excessive barking, wildlife chasing or attacks, noise, or other activities, the Association may require the owner of the pet involved to take measures to mitigate or eliminate the problem, including permanent removal of the identified pet from home. If an owner has more than one dog/pet and the individual dog/pet causing the violation cannot be determined, the owner may be subject to remove all pets from the home.
- d) All pet(s) must be on a physical leash in the hands of the owner or responsible person outside the confines of your Lot. No pet shall be allowed to damage the grass, trees, shrubs, or any other portion of the Common Areas.
- e) Incessant, unreasonable barking can disturb a neighborhood's peace and violate this Rule and both City and County ordinances to harbor such a disturbance. City law dictates it shall be unlawful for any person to own or keep any pet by barking, howling, yelping, or other utterance that disturbs the neighborhood's peace (City Law 11-1-115).
- f) No pet shall be permitted to defecate on the common area walks, landscape areas, or elsewhere outside your Lot without being cleaned up immediately.
- g) No pet(s) shall be kept for breeding, boarding, or other commercial purposes. The number of pets allowed per household will comply with Colorado Springs' laws.

NOTE: for lost pets, please contact the Management Company to issue an Email Alert.

6.4 Owner's Duties

Any pet owner shall assume all liability for the pet and its compliance with the governing documents. The owner of a pet now releases the Association, its agents, and representatives from any claims regarding such pet and shall indemnify and hold the Association, its agents, and representatives harmless from all liability for bites, enforcement of these Design Guidelines, injuries, damages, claims or expenses, including without limitation reasonable attorney's fees, relating to the pet.

A pet owner shall ensure that it is kept clean, quiet, and controlled. An owner of a Lot shall advise his guests, occupants, or tenants of the governing documents and any future Design Guidelines or Rules, and the owner shall be responsible for compliance by such persons, including, without limitation, the payment of fines and the removal of any person dogs or pets from the premises if any violations occur. Contractors, subcontractors, and employees are prohibited from bringing dogs and other pets to the construction site.

6.5 Nuisances - Bright Lights/Loud Noises

Article I, Sections 135 & 136

No noxious or offensive activity shall be carried out in any lot, nor shall anything be done or placed in any lot that may become a nuisance or cause embarrassment, disturbance, or annoyance to others. No activities shall be conducted on the lots and on improvements constructed on the lots which are or might be unsafe, hazardous, or cause any annoyance to any person or property - no firearms shall be discharged, no open fires, no outdoor music shall be permitted on the property, no foul or obscene language, domestic disturbances, discharging firearms, endangering wildlife, feeding wildlife and no fireworks. No light shall be emitted from any lot that is unreasonably bright or causes excessive glare; no sound shall be emitted from any lot or an automobile that is unreasonably loud or annoying, and no odors shall be emitted from any lot that is noxious or offensive to others.

6.6 Trash Receptacles

The Association has a master contract for community trash and recycling services; the service day is Wednesday. There is a yearly fee in addition to the yearly dues, and this service is voluntary. To begin or stop services, please contact the property manager. Trash must be placed in sealed bags or containers with good lids and put out the day of pick up and removed the same day. Homeowners must store trash and recycling containers in the garage, except for the day of collection services. All trash and recycling containers are to have an attached lid or be secured to prevent the container contents from blowing away or being accessed easily by animals.

All areas used for solid waste storage, including compost receptacles, shall be screened from off-site views, using materials and forms complementary to the main structure(s). Enclosed commercial trash containers and maintenance will be required at construction time.

6.7 Pest / Animal Control

The Association only provides for the treatment or removal of nuisance & biting, and stinging insects/animals from the Common Areas. Each owner is responsible for his Lot to remove bees, hornets, wasps, skunks, snakes and squirrels, mice, ants, gnats, etc. If you find a dead animal on your Lot, you can call Alpine Animal Control at 719-636-1014; if the animal is on City property, you can call 719-385-5934.

6.8 Quiet Hours

Quiet hours are from **10 p.m. through 7 a.m.** At all times, residents shall take care not to disturb their neighbor's right to the quiet enjoyment of their property and the neighborhood. Any resident observing a violation of this rule is encouraged to call the Police Department to file a noise complaint and write a complaint to the Property Management Company.

6.9 Home Business

Article I, Section 101

Home businesses are permitted to the extent they do not: 1) Violate any Federal or State law or any other ordinance of the City of Colorado Springs, 2) Violate any provision of the governing documents of this homeowner's association and these Design Guidelines & Rules, 3) Infringe on the peaceful enjoyment of the immediate neighbors, specifically the community, and 4) Engage in outdoor repair or restoration services. Any home business that falls into one of the categories above will be deemed an unreasonable annoyance or nuisance.

6.10 Insurance Issues

Please contact the Property Management Company for specific questions regarding the Master Policy. The Association carries a master insurance policy covering the Common Areas – Commercial General Liability, the Association's funds – Fidelity, and a Directors and Officers Liability policy. Each owner is responsible for obtaining adequate insurance coverage for your home and personal belongings.

6.11 Use of Drones

Drones are becoming more commonplace in society and are used by companies and individuals. The Board of Directors has determined that it is in the Community's best interest to regulate drones to maintain the character and privacy of the community.

1. Common Elements: Drones shall be prohibited from taking off from or landing on Association Common Elements;
2. Nuisance: Drones shall not be operated in such a manner as to constitute a nuisance, invasion of privacy, or unsafe condition in the community, which includes, but is not limited to, hovering directly over (50 feet or less) of any individual, any individual's personal property (including cars), or any real property.
3. Hours of operation: Drone use shall be permissible from dawn until dusk.
4. Commercial uses: Drone usage shall not be prohibited by commercial vendors including, but not limited to, real estate agents or roofers, etc., as long as the drone usage occurs only on the individual owner's Lot and is utilized solely in conjunction with the vendor's occupation or business.

6.12 Driveways and Parking

Access from the street should be as easy as possible without overly emphasizing the parking lot or garage. Parking areas should be located outside of major sightlines and partially screened with grading and planting. When lot sizes allow, garage doors should be oriented away from the primary entrance view (i.e., sideloaded or angle load garages).

Driveways should intersect the road at approximately ninety (90) degrees for maximum visibility and should not exceed eight (8) percent in slope, except where the use of short pitches up to twelve (12) percent may lessen site impacts. Paving materials shall be either concrete or masonry pavers. Flag drives may be asphalt with a concrete apron where the flag meets the street.

Shared use of driveways can be an effective means of lessening site impacts.

No items are to be stored in the driveway area, such as storage PODS, Mobile Mini units, etc., without the ACC's prior approval.

6.13 Mailboxes

The U.S. Postal Service requires "cluster" mailboxes in The Spires Drainage Homeowners Association area. To determine the location of your mailbox cluster, contact the U.S. Post Office 1540 S. 8th Street, Colorado Springs, CO, 80906, 719-570-5472. The Association maintains the stone/mortar surrounds, but the mailbox unit, locks, and keys are the responsibility of the owners, according to the U.S. Post Office.

6.14 For Sale / For Rent / Other Signage *CC&R's - Article I, Section 144(e)*

- a) **For Sale / For Rent:** Only one (1) professional temporary sign advertising a property for sale or lease that is no more than six square feet in size may be installed on the lot without ACC approval. Only one (1) sign per Lot is permitted. At no time shall such signage be installed in any common area. No signs shall be placed in the common grass areas, entrance to the community, or any other portion of the community. Open house advertisements are permitted in the front of the subject home only. For sale or rent, signs must be removed within ten (10) days after a home sale has closed.
- b) **Trade signs:** which include, but are not limited to, landscaping, painting, remodeling, etc., may only be displayed while work is in progress and must be removed upon completion of the job.
- c) **Political signs:** The Association permits owners/residents to display a maximum of one (1) sign, with the sign not to exceed thirty-six by forty-eight inches (3'x4'). No signs are allowed in the Common Areas.
- d) **Dog fence warning signs:** Must be no larger than 12" x 12" in size. Up to 4 signs are allowed per property.
- e) **No soliciting signs:** Must be no larger than 12" x 12" in size. One sign only is allowed near the main entrance of a home.
- f) **Temporary signs / Flyers / Lost and found:** Nothing is to be adhered to or attached to the stone/mortar mailbox surrounds or any street or signpost. All items must be removed within 24 hours after any event.
- g) If an Owner has a sign placed on their Lot, please reference the **Temporary Sign Ordinance: City Code 3.2.218 D**. This code applies to all signage, whether garage sale, homebuilder, Realtor, work at home, etc. Temporary signs posted in the city/public right of way with a Revocable Permit and an identification decal on the sign should be left where they are unless they pose a traffic hazard.

Persons posting illegal signage can be cited with a penalty of \$35 for each sign in their possession. Please notify Code Enforcement at 719-444-7891 to report an unlawful sign. At www.SpringsPolice.com, under Division/Units, Code Enforcement is where an online complaint form can be filled out and sent to the unit anonymously, if necessary. Please contact the City of Colorado Springs Code Enforcement Department with questions or objections to signs placed in City or Public right-of-way areas.

On a case-by-case basis, the ACC shall consider requests for the placement of one (1) additional temporary sign due to unique circumstances and lighted signs.

If owners wish to paint “stencil” the address on the curb, the background must be white with black lettering and not exceed twelve (12”) inches wide by five (5”) inches tall. No signs are allowed on The Spires Common Areas without ACC approval.

6.15 Vehicles and Parking

Article I, Section 116, Section 144 (b)

All vehicles will be parked to inhibit traffic and damage the surrounding natural landscape or adjoining property. Vehicles will not be parked on landscaped areas, or the sides of driveways not designed for parking. Requests for extending paved parking areas must be submitted to the ACC.

- No stripped-down, partially wrecked, junk motor vehicles, or sizeable part thereof, shall be permitted to be parked anywhere on the Lot except within fully enclosed garages.
- A junk vehicle is described as any vehicle that is inoperable or not able to be moved under its power, that has flat tires, broken glass, has expired registration, failure to display the proper license plates, or is otherwise damaged to a point where the vehicle cannot be driven or is leaking fluids. The Board, ACC, or other Association representatives will make the final determination if a vehicle is considered a junk vehicle.
- No cars or motor vehicles can be worked on for mechanical repairs except in fully enclosed areas that cannot be visible from any adjacent property or street. Vehicles must be properly maintained and not disturb or annoy others. All vehicles shall meet local noise requirements; automobiles and motorcycles must have mufflers in good working condition.
- Note: All trailers are to be stored inside an enclosed garage (small utility, boat, garden, recreational trailers such as those used for ATV or Jet-Ski’s, snowmobiles, golf carts, sailboats, canoes, kayaks, etc.).

“No boat, trailer, camper (on or off supporting vehicles) tractor, commercial vehicle, mobile home, motor home, motorcycle, any towed trailer unit, or truck excepting only pick-ups solely for the private use of the residents of a dwelling shall be parked overnight within any Lot or Building Site except in a completely enclosed Structure, or fully screened in a manner approved by the Approving Authority so as not to be visible at ground level from any neighboring property or street.” ... unless permitted by the following exception:

- Motor home - recreational vehicles may occasionally (not more than 4 times per year) be parked on a driveway for up to a maximum duration of forty-eight (48) hours for loading, unloading, or trip preparation.

7.0 NEW CONSTRUCTION / ADDITIONS / MAJOR RENOVATIONS

These Guidelines, on all site and building development, have been adopted to provide a basis for development consistency. As such, these Design Guidelines are just that - guidelines, clear and concise enough to give a firm direction yet flexible enough to be adapted to different sites and different development programs. The ACC's express purpose will be to interpret these Design Guidelines consistently and reasonably. Any item covered in this section must be submitted for review by the ACC.

These Design Guidelines address the primary areas of concern are site development and architectural appearance, especially related to harmonious relationships with the existing terrain and neighboring developments. In general, the goals are to minimize harsh contrasts in the landscape, conserve pleasing and significant natural systems, and encourage unassuming architecture appropriate to this unique environment.

These Architectural Guidelines are supplemental to regulations generally in effect for this community, including the City of Colorado Springs Zoning and Subdivision Regulations, applicable federal and state laws, and pertinent building codes. All construction shall comply with these Guidelines and all other applicable regulations. It is strongly recommended that all persons proposing any construction subject to review under these Design Guidelines seek a qualified design professional's assistance with skills appropriate to the task at hand, such as an architect, landscape architect, civil engineer, surveyor, etc.

7.1 Architectural Review Procedures

The process for establishing the ACC and defining the specific duties and powers conferred on it is described in the "Declaration of Covenants, Conditions, and Restrictions." This process is now incorporated as part of these Guidelines and shall be referred to when necessary.

All construction undertaken in this community, whether it is new or old. Construction, subsequent exterior renovations, or site construction such as walks, driveways, drainage improvements, landscaping, etc., is subject to review under the Design Guidelines. After Final Plan approval through this process, a building permit may be requested from the City of Colorado Springs. All owners (after this referred to as "owners," but including all owners, builders, consultants, and any other designated representatives) shall comply with the following process to gain approval from the ACC for any construction:

The owner shall provide one set of plans at the beginning of the plan review to be retained by the committee for permanent record. Plans are to be submitted to The Spires DHA, care of the Management Company. The Board of Directors, ACC members, and the Property Management Company will enforce these Guidelines and ensure compliance with all governing documents.

After review, the ACC shall respond in writing to the owner within thirty (30) calendar days, giving any recommendations for necessary changes or adjustments or final approval, if appropriate. The committee reserves the right to require that staking of the dwelling be completed in the field for review before granting final plan approval. The committee should be notified upon staking completion to arrange an on-site inspection.

Once the committee has approved the Final Plan and Construction Documents, demonstrating compliance with the Design/Architectural Guidelines, a compliance letter will be issued. NO construction may begin until the approval letter is issued. It should be noted that this approval is valid for only one (1) year.

Should construction not begin within that time, the entire process may have to be repeated at the ACC's discretion. To monitor construction compliance with the approved plans, a committee representative or other Association representatives may make periodic visits during construction.

7.2 Plan Review Requirements

Plans shall contain enough information for the Committee to accurately assess impacts on the site and adjacent sites and indicate building location(s), mass and materials, access, grading, limits of disturbance, and erosion control methods. The following information shall be provided.

7.3 Hillside Height

How to calculate Hillside Height for Single-Family homes? If you have any questions regarding the height calculation methodology, please call City Zoning at 719-578-6919 or view the Hillside Manual <https://coloradosprings.gov/document/hillside.pdf>.

7.4 Building in Hillside Development

The ground located within The Spires Drainage Homeowners Association is in a Hillside Overlay Zone established by the City of Colorado Springs. Hillside areas may pose special development challenges and some additional risks to homeowners. The Hillside Overlay Zone was established to focus particular attention on protecting hillsides, slope stabilization, and maintaining the natural environment. Certain areas on the recorded plat map may be designated as areas of geotechnical concern requiring soil testing or preservation areas that may not be built on due to existing animal life, natural constraints such as natural drainage areas, or steep slopes with over 25% grade. The entire area has been mapped and described by the United States Geologic Survey as “Landslide deposits, including slumps, debris flows, earth flows, rockfall avalanche deposits and similar masses of locally derived debris moved downslope by gravity.”

8.0 ARCHITECTURAL GUIDELINES & CONSTRUCTION REGULATIONS

The following regulations shall be enforced on all owners and contractors interested during the construction period. All contractors and owners shall abide by these regulations. It is also required that the contractor be familiar with and abide by the applicable sections of the Declaration and the Design Guidelines. The following criteria apply to all construction in The Spires Drainage Homeowners Association Subdivision.

8.1 Site Planning

Each building site in this community has its specific qualities and characteristics. The ACC will critically review site plans. A preference will be expressed for plans which minimize disturbance of existing vegetation, rock/boulders, and drainage patterns. Respect for adjacent development is also essential; coordination of building massing and material compatibility will help make for better neighbors. All construction must comply with applicable city zoning for the city of Colorado Springs, which is PUD, R1-9000 within a Hillside Overlay Zone.

8.2 Setbacks / Home Size

It is understood that setbacks required by The Spires Drainage Homeowners Association may be more restrictive than the City setbacks. Where lot terrain dictates, the ACC will consider the City setback requirements. However, the City may require a lesser setback than The Spires Drainage Homeowners Association, where the lesser City setbacks may apply.

	The Spires DHA	City
Front Setback	30 feet	18 ft., or 15ft. from the garage
Side Setback	10 feet	5 feet
Rear Setback	25 feet	25 feet
Height Requirement	35 feet	30 feet

(Note: please contact the Land Review Office at 719-385-5905 for Height information.)

The size of the primary dwelling will be no less than 2,200 square feet based on the following formula:

- 100% of gross square footage on the main level may be counted.
- 75% of gross square footage on finished upper stories above the main or garden level may be counted.
- 50% of the finished garden level's gross square footage with direct walkout access to outside may be counted.
- 25% of the square footage of the basement level may be counted.

25% of the gross square footage of balconies, raised decks, and covered patios may be counted. 50% of the attached garage space's gross square footage of over 400 square feet may be counted. A minimum of two (2) car garages is required.

The gross square footage shall be defined as the total area contained within the exterior perimeter of the area being measured.

No more than one dwelling shall be erected or maintained within any lot, a combination of two or more lots, or portions thereof (unless approved by the ACC). No lot may be subdivided into two or more lots unless the ACC approves.

The recorded plat may restrict access from some lots onto certain specified streets. (These are called "Restricted Lots.") All persons or entities interested in any of the Restricted lots are required to and shall arrange and maintain any drives, dwellings, or other structures so that ingress and egress to and from their lots comply with the restrictions shown on the recorded plat and the approved development plan.

8.3 Common Flag Driveways - for further information, please reference the following documents:

- Declaration of Conditions, Covenants, Restrictions and Easements (CC&R's), Easements, Section 111;
- CC&R's, Appendix 1, Flag Lot Easement as recorded under Reception 097077686, 1-9-2002; Amendment 8. Appendix 1. Flag Lot Easements.
- Amended Declaration, as recorded under Reception 206091207, 6-21-2006;
- Amended Declaration, as recorded under Reception 205044135, 3-30-2005;
- Annexation Amendment Expanding The Boulders Broadmoor Filing No. 1 and The Boulders Broadmoor Filing No. 1-A Covenants (Stonecliff Filings No. 6 and 6A) recorded under Reception 202004097, 1-9-2002; Amendment 8. Appendix 1. Flag Lot Easements.
- Amended Declaration, as recorded under Reception 099012810, 1-26-1999;
- Amended Declaration, as recorded under Reception 97128592, 11-3-97; Sections and (c) of Appendix 1 – Flag Lot Easement.

8.4 Home Styles

Architectural standards are established so that the subdivision may benefit from its particular location's natural advantages. While the architectural style standards are flexible, compatibility with the informal natural environment is required. All buildings must be designed to fit the lot's natural contours without excessive grading outside the building envelope/footprint.

In reviewing the plans of a proposed building, scrutiny will be given to the building's massing, proportions, and overall scale to the site and neighboring properties.

In all of the filings in The Spires DHA, not more than three (3) similar elevations will be allowed, and one similar elevation may not be visible from another similar elevation. The ACC may grant a variance to this rule, conditional (case by case basis) on home locations separated by geography, topographical elevations, traffic flow patterns, or street layouts.

8.5 Height

Specific maximum building heights are identified on the current Development Plan maps. In addition to these regulations, it is strongly suggested that the owner consider the site's qualities, especially the visual and climatic exposure created by the combination of existing

slopes, vegetation, and orientation. Lower buildings are generally more appropriate on more exposed sites, while taller buildings can be incorporated into those sites which are less visible or more protected.

(Refer to Development Plan maps to determine whether specific height limitations are designed within identified building envelopes). For reference, it should be noted that the means of measuring building height are established in the City Zoning Regulations. The maximum height shall be thirty-five (35) feet. See Section X of this document for the city height calculation formula.

8.6 Exterior Materials

All materials and finishes should be harmonious with the surrounding environment, with natural wood, brick, stone, colored/textured concrete, or stucco generally acceptable. Light-colored stucco is discouraged. Manufactured siding, such as Masonite, will be allowed in combination with the above materials. Other materials, such as metals and plastics, may be approved if used with restraint and color that harmonizes with the primary materials. Finishes should also be subdued in nature, though brighter accent colors will be acceptable for occasional highlights. The use of multiple contrasting exterior materials of three (3) or more mediums (including colors) is discouraged other than all colors must be complementary to each other. All clear wood finishes are treated with less than 10% pigment.

Exterior materials must be finished six (6") inches above grading, minimizing exposed foundations. The maximum exposed vertical height on stepped foundations is eighteen (18") inches. No cantilevered chimneys above six (6") inches above grade.

No bright, unfinished surfaces shall be allowed. All metallic surfaces, such as solar panels, roof vents, fireplace flues, gutters, and aluminum window frames, should be coated or painted unless otherwise approved by the ACC (such as metal roofs, copper gutters, etc.) Exposed concrete foundations shall be concealed with siding, stucco, or masonry. Exterior white windows are not permitted.

8.7 Roofs

The form of the roof and the materials used to create a significant part of a building's visual impact will be carefully reviewed by the ACC. Gable, hip, and shed roofs are generally acceptable for residential construction, while gambrel, flat, mansard, and A-frame roofs are not encouraged. However, these roofs and any other unique forms developed will be reviewed on their merits case-by-case basis.

All extensions from the roof, such as chimneys, flues, solar collectors, skylights, etc., should be carefully located and finished to complement other design elements. Roofing materials shall be Class A fire rated, which includes tile, slate, copper, composition shingles, or other materials approved by the ACC.

No shake or cedar shingle will be permitted. Composite shingles will be permitted if they meet the following design specifications or as approved by the ACC. Pattern and color are to be approved on a case-by-case per plan submittal.

Composition shingles:

- Must be a minimum 2-ply laminated;
- Must weigh at least 365 pounds per square (recommended 40- & 50-year shingles);
- Any shingle that meets the UL 2218 Type 4 rating is permitted but must be submitted;
- It must be class “A” fire rated.

8.8 Fire Sprinklers

A fire sprinkler system is required in all homes built on lots located in Stonecliff Filing #6 and 6A. For further information, please contact Pikes Peak Regional Building Department at 719-327-2900. The minimum number and type of fire extinguisher(s) required by the City shall be located on each Lot in a conspicuous location.

8.9 Walls

A building's walls are essential to its overall visual impact and should be carefully considered for effect on proportions, continuity, and illumination. The connection from the walls to the foundation should be treated to smooth the transition from one material to the next.

8.10 Patios, Decks, and Paving Materials

Outdoor living areas are encouraged. Patios, decks, and other paving materials should be compatible and harmonious in color and texture with the structure and surrounding neighborhood. They must be an integral part of the landscape architectural design.

8.11 Landscaping

All planting on this property shall conserve and complement the existing landscape.

Within six (6) months after occupancy of a dwelling or within any extension period granted by the ACC, all yards and open space shall be landscaped and maintained in lawn or landscape.

The landscape should include natural vegetation and preserve existing trees, scrub oak, surface boulders, and rock formations. No existing trees, surface boulders, rock formations, or scrub oak shall be removed from any lot unless required by construction and approved by the ACC. Areas surrounding the primary dwelling may incorporate more manicured plant materials (i.e., sod).

It is recommended that a buffer exists between the foundation and sodded areas. Transitioning from manicured landscaping to natural areas consists of native grasses and ground covers (found on site) with low water requirements.

Xeriscaping is highly recommended but must be supplemented with an automated irrigation/drip system. Irrigation systems should efficiently distribute water to those plants that require it and be concealed below the topsoil. Drip or other low-water consumption systems are encouraged. Spray irrigation is limited to 15% of the lot area's square footage.

Any type of outdoor fire pit must be natural or propane gas. No wood-burning units are allowed.

The use of non-living ground covers such as bark, gravel, and small rocks shall be minimized, kept clean and serviceable, and maintained throughout the year. Any disturbed ground not landscaped must be reseeded or sodded to control erosion.

8.12 Designation and Use of the Preservation Area

Certain areas within the Community Area that are not suitable for development because of geologic constraints, natural drainage, areas, or steep slopes, together with certain spots with lots, may be designated on the Plat, a Supplemental Plat or a recorded subdivision plat approved by the City of Colorado Springs as “Preservation Areas.” The Preservation Area shall be used by each lot owner only in such a manner as is consistent with the preservation of the natural growth and, except for driveways, utilities, and drainage structures as approved by the Approving Authority, shall not be subjected to any intensive or destructive use or any activity which might result in permanent damage to the existing natural growth. In amplification and not in limitation of this general restriction, the following specific restrictions are imposed on the Preservation Area:

- No planting or cultivation shall be permitted except planting and cultivating plants native to the Pikes Peak region.
- No alteration of ground conditions and no clearing of living growth shall be permitted except for driveways, utilities, and drainage structures as approved by the ACC.
- No structures or installations of any kind shall be permitted except for approved driveways, utilities, and drainage structures as approved by the ACC.
- No vehicles or conveyances of any type shall be permitted within the Preservation Area except to preserve order or to protect, preserve or maintain the Preservation Area.
- No activity tending to produce litter shall be permitted.
- No obstruction, or any kind, of the natural flow of water through any drainage channels or Preservation Areas shall be allowed.
- No activity tending to weaken or destroy the animal habitat or interfere with game trails shall be permitted.
- No domesticated dogs or cats will be permitted in the Preservation Areas at any time unless on a leash.
- Preservation Areas may not be fenced, except temporarily during construction, when a temporary fence will help preserve and protect the Preservation Areas.

8.13 Construction Site Boundary Limits

The contractor shall provide a detailed plan of construction site boundary limits before construction. The plan shall be implemented with snow fencing, rope barricades, or like material before construction. The plan shall include the size and location for construction material, storage areas, limits of excavation, access areas, parking, chemical toilet location, temporary structures, dumpster, fire extinguisher, utility trenching, and a construction sign.

8.14 Daily Operation & Construction Times

Operating hours for each construction site shall be 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall occur on Sunday.

8.15 Excavation / Grading

Excess excavation material shall be removed from the property and shall not be placed in common areas, roads, or other Lots (except as approved on a site-specific basis by the ACC). Excavation, except for utility trenching, shall only be on the Owner's site. During backfill and final grading operations, contractors are prohibited from spreading excess debris or material over the remainder of the Lot.

All plans should be designed to minimize the extent of grading required. Techniques for doing this include “stepping” down slopes, providing access across slopes instead of down them, and using low retaining walls where necessary. Where grading is needed, cut and fill slopes should be kept to a minimum of 2:1, with steeper slopes permitted (if the soil engineer permits) when an excessive ground disturbance would otherwise result. All graded slopes should be “rolled” back into existing slopes so that after re-vegetation, no sharp contrast exists between existing and disturbed slopes. All areas to be preserved (trees, shrubs, rock outcrops, etc.) shall be marked and protected throughout the construction period. **ALL GRADING PLANS REQUIRE THE APPROVAL OF THE ACC before ANY GRADING ACTIVITY.**

8.16 Drainage

In addition to minimizing the extent of disturbed land, disruption to existing drainage courses should also be minimal. Where disruption or realignment must occur, reconstruction should happen naturally, allowing water to flow in a nondestructive historic course.

If culverts or structural channels are required, they should blend in with the existing environments. The owner will provide all on-lot drainage following applicable drainage plans approved by the City. Except as specified above, the Owner shall establish the finished grade of the Property and install or construct such underground drainage improvements necessary to ensure that surface run-off water properly drains from the Property. Additionally, the Owner shall locate all improvements upon the Property in such locations and manner to not interfere with drainage of surface waters over and across the Property or cause damage to improvements from surface runoff water. However, the areas and the volume of water that has historically entered and departed the lot must be accepted.

8.17 Erosion Control

During all site disruptions, approved techniques for controlling erosion within site onto other sites shall be used. Methods include sedimentation basins, filtration materials such as hay bales or permeable geotextiles, and slope stabilization fabrics or tackifiers. Proper re-vegetation shall begin as quickly as possible after soil disturbance. Grading shall be maintained to conduct irrigation and surface waters away from structures. Any disturbed ground that is not landscaped must be reseeded to control erosion.

8.18 Blasting

Any plans to blast shall be brought to the attention of the City of Colorado Springs and The Spires Drainage Homeowners Association ACC before commencement and shall be approved by the City. Proper safety and protective actions shall be used.

8.19 Restoration and Repair

Damage to any property other than the Owners shall be promptly repaired at the person/entity's expense causing the damage.

8.20 Dust/ Noise & Odor

Every effort shall be made to control dust, noise, and odor emitted from a construction area. The contractor will be responsible for watering or screening dust problem areas and managing noise and offensive odors from the Lot.

8.21 Sight Triangle Maintenance

The Owner of a property containing a traffic sight triangle is prohibited from erecting or growing any obstructions that may cause a traffic visibility hazard at the affected intersection. The ACC shall follow the applicable City regulations when evaluating sight triangle obstructions.

8.22 Utilities

Construction of utilities shall be carefully coordinated with existing site conditions to minimize disturbance. All ditches are to be compacted. All construction, including storage of excavated and backfill materials, shall respect all boundaries of areas to be preserved.

8.23 Debris and Trash Removal (SiteClean-up)

Daily cleanup of the construction site is mandatory. All trash and debris shall be stored in a commercial container that requires a lid and is covered and removed from the trash disposal area weekly. This method will help control blowing trash/debris and problems with animals. All soil and debris flowing onto the street(s) from the construction site shall be cleaned daily. Any debris or materials will be cleaned off the streets promptly.

8.24 Chemical Port-o-Potties

The contractor shall provide chemical toilets and place them in an approved location. All chemical toilets shall be confined to the street side of the lots.

8.25 Additional Restrictions

The following items are prohibited in this community:

- Oil changing of vehicles and equipment without proper receptacles and removal procedures.
- Concrete equipment cleaning or concrete dumping.
- Removing any rocks, trees, plants, or topsoil from any portions of the property other than the Owner's lot.
- Careless treatment of trees or preservation area.
- Careless use of cigarettes or flammable items.
- Use of firearms

8.26 Amendment and General Provisions

- a) The Board reserves the right, at any time and from time to time, to modify, amend, repeal, or recommend amendments to these Design Guidelines in accordance with the Covenants, the Articles of Incorporation, and Bylaws of the Association, and applicable law.
- b) Failure by the Association, the Board, or any person to enforce any provision of these Design Guidelines shall in no event be deemed a waiver of the right to do so thereafter.
- c) Unless the context provides or requires the contrary, the use of the singular herein shall include the plural, the use of the plural shall include the singular, and any gender shall include all genders. These Design Guidelines' provisions shall be deemed independent and severable. The invalidity of any one or more of the provisions hereto, or any portion thereof, by judgment or decree of any court of competent jurisdiction, shall in no way affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect.
- d) The captions to the sections are inserted herein only as a matter of convenience and reference. They are in no way to be construed to define, limit, or otherwise describe the scope of these Design Guidelines or the intent of any provision hereto. The Association shall be entitled to recover its attorney's fees and expenses in any enforcement of the Covenants, these Design Guidelines, or both.