

# SOUTH POINTE

## Homeowners Association, Inc.

### Residential Improvement Guidelines January 2018

#### INTRODUCTION

South Pointe is a planned community with established protective covenants. The requirements set forth in the Master Declaration of Covenants, Conditions and Restrictions of South Pointe (*CC&Rs*) and these Design Guidelines are intended to preserve and maintain the character, value, desirability and attractiveness of South Pointe.

The purpose of these guidelines is to promote qualities that will enhance the value of individual properties and maintain the attractiveness of the South Pointe neighborhood. Designs must be compatible with design characteristics of adjoining properties and the neighborhood. The requirements, objectives, standards and procedures contained in these guidelines are intended to establish and maintain a harmonious community image in South Pointe. Through these guidelines and the design review process, a consensus will be achieved between individual aesthetic judgment and the broader interests of community standards.

These Residential Improvement Guidelines are intended to assist homeowners in the design and construction of additions, alterations, fences, landscaping or any other modifications to their lot and shall in no way alter the provisions and requirements of the CC&Rs. In the event of any conflict between the *CC&Rs* and these Guidelines, the more restrictive shall apply. If the two are contradictory, the *CC&Rs* shall prevail.

Homeowners must submit a completed Architectural Improvement Request, including plans and specifications, to the Architectural Review Committee (ARC) and must obtain written approval from the ARC prior to the commencement of any work. All projects, including initial landscaping plans, are to be reviewed by the ARC. **To allow the ARC adequate time for review and approval, homeowners should submit all required information to Vista Management (our management company) at least 45 days prior to the expected commencement of the project.** Please contact Vista Management to obtain an Architectural Improvement Request.

Many exterior improvements require a permit from the City of Lafayette or Boulder County. It shall be the responsibility of the homeowner to obtain all necessary permits and inspections.

If you have any questions, please contact our management company:

Vista Management  
8700 Turnpike Drive, Suite #230 Westminster, CO 80031  
ATTN: South Pointe HOA  
Architectural Review Committee

Telephone: (303) 429-2611  
Fax: (303) 429-2632  
arc@southpointe.org

**Improvements to Property.** These guidelines and restrictions are intended to assist homeowners in the making of landscaping and other exterior improvements to their property. And, as provided for in Article VII, Item 1 of the Association Bylaws, Conditions and Restrictions, hereinafter referred to as the *CC&Rs*, the Executive Board may adopt rules and regulations with respect to this Common Interest Community. The *CC&Rs* for South Pointe require that a homeowner receive prior written approval from the Architectural Review Committee before commencement of any "improvements to property." "**Improvements to property**" are broadly defined in the *CC&Rs* and mean "all exterior improvements, structures, and any appurtenances thereto or components thereof of every type or kind, and all landscaping features, including, but not limited to, buildings, outbuildings, swimming pools, tennis courts, play structures and houses, patios, patio covers, awnings, solar collectors, painting or other finish materials on any visible structure, additions, walkways, sprinklers systems, garages, carports, driveways, fences, screening walls, retaining walls, stairs, decks, landscaping, hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, exterior light fixtures, poles, signs, exterior tanks, and exterior air conditioning, cooling, heating and water softening equipment." The *CC&Rs* authorize the ARC to review all improvements for conformity and harmony with existing surroundings, residences, landscaping and structures.

**Architectural Review Committee.** The Architectural Review Committee (ARC) shall be a committee made up of homeowners of South Pointe in good standing and/or members of the Association's Executive Board. The committee shall be established per the by-laws of the South Pointe Homeowners Association and the Charter provided by the South Pointe Executive Board.

**Governmental Regulations.** Approval by the ARC does not constitute assurance that the improvements comply with applicable governmental requirements or regulations. It is the homeowner's sole responsibility to obtain any local zoning and building department permits and approvals before construction is started and to have periodic inspections during work in progress, if required, by local government codes.

**Interference with Utilities.** Homeowners are responsible for locating all utility lines and easements and should not construct any improvements over such easements without the consent of the utility involved.

**Violations of Design Guidelines.** Every violation of the Design Guidelines is declared to be and constitutes a nuisance. Enforcement of violations shall be processed according to Article XIII, Item 1 of the *CC&Rs*. The following fines may be imposed for violations of these guidelines:

First violation	-	Formal notification of rule infraction will be mailed
Second violation	-	Within 6 month period will result in \$50.00 penalty.
Third violation	-	\$100.00
Fourth violation	-	\$250.00
Five or more violations -		Executive Board shall take appropriate action which may include imposition of a penalty not to exceed \$500.00. The Executive Board can also exercise the right to enter the homeowner's property and correct the infraction. All costs related to this activity will be the obligation of the homeowner.

**Improvement Review Procedures.** The review and approval procedures which follow provide the framework by which the ARC, will review, process, and approve improvements within South Pointe. Detailed plans and specifications showing locations of the structure and types of material must be included with the Architectural Improvement Request. These plans and specifications will then be reviewed by the ARC as to the aesthetic and overall compatibility with the architecture of the primary residence, the immediate neighbors, and harmony of the neighborhood. All approvals are for aesthetics only. The ARC does not regulate or dictate construction and installation techniques of the homeowner or their contractors. The homeowner assumes all responsibility and liability associated with improvements. Plans, specifications and the Architectural Improvement Request shall be submitted to the ARC, through the Association's management company, in accordance with the following review and submittal procedures:

- A. Prior to any modification, construction, or installation of an improvement, it shall be the homeowner's responsibility to submit a signed and dated Architectural Improvement Request along with plans, elevations, specifications, and other pertinent details of the proposed improvements. Plans and elevations shall be in appropriate scales and include sufficient detail for the ARC review. The applicant should submit the required information to the ARC through the Association's management company at least forty-five (45) days prior to commencement of any improvements.

- B. If, in the opinion of the ARC, the submittal complies with the Guidelines, the improvement shall be “Approved” and written notice of approval shall be provided. **All improvements shall be constructed in accordance with approved plans and are required to be completed within 90 days or within such time as approved in writing by the ARC. Extensions on completion of improvements require submittal of a request to the ARC.**
- C. The ARC may postpone action on a request and require submission of additional information before a decision can be made. In such cases, improvement requests will be “Conditionally Approved” or “Disapproved” until the requested information is submitted to the ARC. In these cases, the 45-day approval time commences once the additional information is received by the ARC.
- D. If the submittal is found to not be in compliance with the Guidelines, the improvement request is “Disapproved.” The ARC shall provide the homeowner with a written description of the aspects in which the submittal does not comply. The homeowner may then choose to resubmit a new Architectural Improvement Request with the required revisions to the ARC and follow the same review procedures. If a request is disapproved and the homeowner chooses not to resubmit, homeowner has the right to appeal per Article V, Item 4 of the *CC&Rs*.
- E. The following are guidelines for specific improvements:

**Additions and Expansions.** ARC approval is required. Homeowners are required to submit detailed plans and specifications including floor plans, exterior elevations and materials. Additions and expansions must be installed as an integral part of the residence. Materials and colors must match, or be generally acceptable as complementary to, the existing residence.

**Air Conditioning Equipment.** See mechanical equipment.

**Antennas.** No ARC approval is required for satellite television dishes that are less than one meter in diameter, for over-the-air television antennas, or for dishes or antennas providing Internet service. ARC approval is required for Amateur radio antennas.

For any dish or antenna installation, the following rules apply:

- A. A satellite dish or antenna must be installed solely on the owner's individually-owned property as designated on the recorded deed or map and may not encroach upon any common areas or another owner's property.
- B. Dishes, antennas and associated cabling shall be located in a place shielded from view from the street or from other lots to the maximum extent possible while maintaining acceptable signal levels. Dishes and antennas may not be installed in a location that obstructs driver's views of intersections or streets.
- C. Dishes or antennas shall be installed and secured in a manner that complies with all applicable city, county and state laws and regulations, codes and manufacturers' instructions.

**Arbors.** ARC approval is required. Maximum height shall not exceed seven and a half (7.5) feet. Consideration will be given to placement so as not to obstruct adjacent property owners' view whenever possible.

**Balconies.** See Decks.

**Basketball Backboard, Portable and Permanent Backboards.** ARC approval is not required for free-standing, pole-mounted backboards and tetherball poles. Basketball and tetherball poles must be stored on the homeowner's property, and may not extend into the sidewalk or street. House-mounted backboards are not allowed. Portable free-standing basketball boards and tetherball poles must be properly stored adjacent to the house.

**Drainage/Berms.** At no time may the installation of landscaping alter the established grade or drainage pattern of any property in the Community. This prohibits the installation of berms or similar landscaping entities.

**Decks.** ARC approval is required. Decks must be constructed of wood, other material similar to the material of the residence, or composite decking and must be installed as an integral part of the residence and patio area. All wood decks must be stained in, or composite decks should consist of, a color similar to or generally acceptable as complementary to the residence.

Decks must be maintained in a presentable manner and may not be used for storage of building materials or any objects that extend beyond the confines of the deck.

**Dog Runs.** ARC approval is required. Considerations may include, but not be limited to, location in “rear” or “side” yard and abutting the home, placement within the perimeter of rear yard fencing, proximity to property lines, proximity to neighbor’s residence, “screened from view,” type of cover if utilized, with a maximum height of five and a half (5.5) feet and not to exceed the height of adjacent fencing. Materials used may be chain link or rustproof welded wire mesh with wood or metal posts.

**Driveways.** ARC approval is required. Extensions, expansions or resurfacing of driveways requires ARC approval. Any approved driveway expansion shall not be intended to promote parking or storage of any vehicle off the driveway on a side yard. Extended driveways are permitted if (a) the driveway does not cover a drainage easement, (b) the driveway does not interfere with Boulder County zoning/traffic intersection distances, and (c) the total non-porous lot coverage does not exceed 40% of the total lot exclusive of the house. A minimum of 5 feet of landscaped area consisting of, but not limited to, rock, mulch, trees, shrubs, flowers, or grass shall be required to be between all adjacent neighboring driveways.

**Exterior Lighting.** ARC approval is required. Any changes or additions to exterior lighting require ARC approval. Exterior lighting should be subdued, properly shielded, and not be a nuisance to adjacent lots.

**Fencing.** ARC Approval is required for any fence addition or replacement project.

#### **Inside the Estates Area**

All fences inside the Estates area are to be 42 inch high, three rail wooden fences with optional rustproof welded wire to confine pets or children. Only rustproof wire is allowed, and may not exceed the height of the top rail of the fence. No plastic, chicken, hog, barbed or stranded wire fence is allowed.

#### **Bordering the Estates Area**

Fences that border any homes in the Estates area must be the same 42 inch high, three rail wooden fence in the Estates area. The same restrictions apply.

#### **Bordering Whitetail Park or Open Space**

Fences bordering Whitetail Park, City or County Open Space, or the small space east of the South Pointe pool must be the same 42 inch high, three rail wooden fence in the Estate area. The same restrictions apply.

#### **Outside the Estates Area**

Fences outside the Estates area fall into two categories, as follow:

1. Arterial Fencing: Fences lying along roadways must be the 6 foot high, Highlands Style wooden fence. This will match the perimeter fence installed along Highways 42 and 287 by the South Pointe HOA in 2017.
2. Non-Arterial Fencing: Other 6 foot fences that do not face roadways (e.g. between properties) may be replaced with a design chosen by the homeowner. Such fences must be wooden and 6 feet in height.

Please note: the legacy five foot plus one foot opening at the top design that was originally installed by builders in South Pointe is being phased out and is no longer approved for replacement. As these fences need to be replaced, the above restrictions will prevail.

**Fires.** No open fires shall be lighted or permitted on any Unit except in a contained barbecue unit while attended and in use for cooking purposes or within an interior fireplace.

**Garbage, Refuse.** All trash, refuse, garbage, and other wastes shall be kept in closed and sealed containers, such as garbage cans, waterproof boxes, etc. These containers shall be kept within the garage, or if kept outside, shall be suitably screened from view. Any outdoor trash can enclosure shall be kept neat, clean and wood free. If the containers are placed outside in a screened enclosure, homeowners must provide a method of insuring that animals cannot get into such containers.

**Gas Fireplaces, Exterior Flues.** ARC approval required when addition of gas fireplaces materially affects the outside appearance of the structure. Flues are to be framed and boxed to match existing materials and colors of the residence. Wood-burning stoves and fireplaces are not allowed.

**Gazebos.** ARC approval is required. Gazebo must be installed in the rear yard as an integral part of the landscape plan and must be wood, other material similar to the material of the residence, or composite decking. If painted or composite material, must be a color of, or similar to, the primary residence. If stained, must be similar to or generally acceptable as complementary to the residence. Gazebos may not exceed one hundred (100) square feet. Height may not exceed twelve (12) feet. Consideration will be given to placement so as not to obstruct adjacent property owners' views whenever possible.

Gazebos must be maintained in a presentable manner and may not be used for storage of building materials or any objects that extend

beyond the confines of the gazebo. Gazebos shall be used only for the purpose intended and shall not be used for hanging garments or other articles or for cleaning rugs, household articles or other items.

**Hot Tubs, Jacuzzis and Spas.** ARC approval is required. Must be in the “rear” yard and is recommended to be installed as an integral part of the deck or patio area and/or landscaping. Consideration will be given to placement so as to be suitably screened from view of adjacent neighbors and so as not to create an undue disturbance. Emptying or dumping of water into the yard, onto adjacent lots or in the drainage easements is strictly prohibited. All water drainage is required to be through a pipe or hose out to the street.

**Landscaping.** ARC approval is required for all landscaping changes, additions or removals. Homeowners are required to submit landscaping plans with design details and specifications on type of materials and location of gardens, walkways, retaining walls, trees, bushes, sod, rock, edging and other materials. Consideration will be given to lot size, quantity, placement and types of trees in order to respect and preserve the views of adjacent lots whenever reasonably possible.

Landscaping shall include a substantial amount of “Green Space” (defined as not less than 60%) in both the front and rear yards. Green space includes natural turf grass, ground cover vegetation, flowers, plants, shrubs, bushes and trees. The intent of this requirement is to balance the need for water use against the overuse of gravel, mulch, rocks and boulders, which may lead to a harsh, bland landscape.

Landscaping shall be properly maintained by the homeowner. Trees and shrubs should be planned to remain within property lines. **Branches shall not be allowed to hang over or fall onto walkways or streets, nor shall they be allowed to obscure the vision of motorists.** Properties at intersections must get approval from the City of Lafayette to ensure any proposed trees or bushes do not obstruct views at the intersection. The City will consider the angles of the intersections in combination with the proposed tree and shrubs types. Lawns, trees and shrubbery are to remain well groomed. **Weeds are to be kept under control. Fallen leaves, fruit, branches and other deciduous matter shall not be allowed to accumulate.**

Retaining walls constructed out of wood, brick, stone or stucco will be allowed to accommodate changes in grade.

Proper xeriscaping is permitted per Colorado SB 13-183, but plans must be submitted to the ARC for approval as for any other landscaping changes.

**Landscape Ornamentation of a Non-Living Nature** such as animal skulls and wagon wheels, or sculptures such as flamingos, deer or cherubs, is strictly prohibited. No ARC approval is required for one (1) birdbath or water fountain for placement in the “rear” yard. ARC approval is required for a birdbath or fountain in the front yard that is an integral part of the landscape plan. Only one per residence is allowed. Maximum height may not be greater than three and a half (3.5) feet, including pedestal.

**Landscaping Ponds.** ARC approval is required. Ponds must be installed as an integral part of the landscape plan. Emptying or dumping of water in the yard, onto adjacent lots or in the drainage easement is strictly prohibited. All water drainage is required to be through a pipe or hose out to the street.

**Mechanical Equipment.** ARC approval required for all exterior mechanical equipment. No mechanical equipment shall be allowed on the roof. No evaporative coolers will be allowed on the roof or where they will be seen from the street. No window air conditioners are allowed. All equipment must be suitably screened from view.

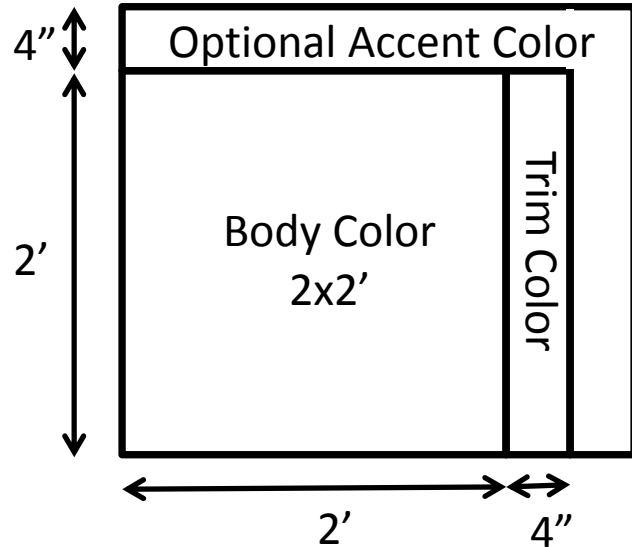
**Painting and/or Re-staining.** ARC approval is required for **all** painting and re-staining projects. Homeowners must submit a South Pointe Architectural Improvement Request (AIR), including color swatch samples properly labeled with “Body, Trim, (and optionally) Accent,” for each and every color to be used, including white, to Vista Management before any changes are made to exterior surfaces. If an accent or trim color is proposed, a detailed description or diagram of the house where accent colors are to be used must also be submitted with the AIR.

For house painting projects, a clearly labeled set of color samples must be painted on a garage door for ARC evaluation **prior** to submission of the AIR. If the ARC is unable to determine which color samples are the submitted samples, delays in the approval process will result. **The garage door color samples must be of the following minimum dimensions to help enable the ARC to provide consistent and fair color evaluation across the neighborhood.** Failure to comply with the dimensional specifications below will result in automatic rejection, require resubmission of documents and delay your project.

Body Color: 2 feet by 2 feet square minimum

Trim Color: 4 inches wide by two feet long minimum adjacent to the body color

Optional Accent color: 4 inches wide by two feet long minimum adjacent to both the body color and trim colors



**Paint Selection Guidelines:** Only flat, matte, satin and eggshell paint finishes for exterior work will be approved. Please do not submit semigloss or gloss finishes. Use the color palette of neighborhood houses as a guide for potentially acceptable choices, and is available for loan from Vista or the ARC Committee. Existing neighborhood color selections are not a guarantee for approval. Major deviations from the neighborhood palette, bright pastels and/or high saturation colors will likely be rejected. **Similar neutral colors naturally present in the landscape that work harmoniously together are preferred.** Variation within the neighborhood is also preferred; duplicating the same palette of a nearby neighbor should be avoided. It's always a good idea to consult with your neighbors regarding new color choices prior to submission of the AIR, as the ARC must consider concurrent submissions from neighbors.

**Patios.** ARC approval required. Patios should be constructed out of brick, stone, concrete or other material that reflect the architecture of the primary residence. Walks, front porches and stoops may be constructed of brick, wood, modular pavers, stone or concrete. Patios and porches must be an integral part of the landscape plan.

Patios must be maintained in a presentable manner and may not be used for storage of building materials or any objects that extend beyond the confines of the patio. Patios shall be used only for the purpose intended and shall not be used for hanging garments or other articles or for cleaning rugs, household articles or other items.

**Patio Covers.** ARC approval required for all patio covers, awnings and overhangs. Color must be complementary to the residence. Awnings must be retractable and tightly secured. Patio covers must be maintained in good condition.

**Paving.** ARC approval is required for all paving regardless of whether for walkways, driveways, patio areas or other purposes and regardless of whether concrete, brick, flagstone, pre-cast patterned or exposed aggregate or other paving materials. Only 40% of a lot (excluding the portion covered by the house itself) may be covered by non-porous materials. This includes permanent structures and paving.

**Play and Sports Equipment, Play Structures and Play Houses.** ARC approval is required for any permanent play structure/equipment. Consideration should be given to adjacent properties with regard to placement (i.e., reasonable set back from property lines where applicable - trampoline, swing set, etc.) so as not to create an undue disturbance. Play equipment or items used for front yard play are to be stored out of view when not in use. Play equipment and structures may not exceed eleven (11) feet in height. Play houses may not exceed six (6) feet in height.

**Pools.** ARC approval required. Above ground pools are discouraged. Consideration will be given to proximity to property lines and setback requirements and size of pool as it relates to the 40% lot coverage rule. Pools are required to be placed in the "rear" yard. Pools must have filtration systems. Pools will be required to be suitably screened from view of adjacent neighbors and placed so as not to create an undue disturbance. It is recommended that installation of pools be an integral part of the landscaping and rear yard

deck and patio plan. Landscaping around the perimeter of the pool will be encouraged. Homeowner is responsible for routine maintenance and upkeep. Pool will be required to be covered during seasons when not in use. Emptying or dumping of water in the yard, onto adjacent lots or in the drainage easements is strictly prohibited. All water drainage is required to be through a pipe or hose out to the street. If pool is dismantled or removed, it is required that landscaping be restored with approval of ARC. Homeowners must ensure compliance with all governmental regulations regarding pools and construction thereof, and the homeowner maintains all responsibility and liability for pools.

**Radon Mitigation.** ARC approval is not required for radon mitigation apparatus. Placement should be suitably screened from view from the street if possible.

**Rain Barrels.** Rain Barrels are permitted by Colorado HB 16-1005. ARC approval is required for one or two sealed barrels with a combined storage capacity of one hundred ten (110) gallons or less. Barrels must be suitably screened from view to the extent possible. Collected precipitation may be used for outdoor purposes only including irrigation of lawns and gardens, and must be used on the same property from which it is collected.

**Renewable Energy Systems.** Colorado HB 08-1270 permits most Renewable Energy systems and apparatus, but ARC approval is required to ensure integration into the architecture of the residence area.

Solar collection panels should blend into overall architecture massing and roof form designs. When solar panels are placed on the roof, they should be racked at the same pitch as the roof, even though the slope of the roof may not be “optimal.” For solar collection, the small increase in panel size that may be required to increase the efficiency of the collector array is preferable to the visual conflicts of different angles and slopes on the roof. Solar panels shall not protrude more than one (1) foot above roof surface or above ridgeline of roof.

Other energy efficient measures allowed by HB 08-1270 include awnings, shutters, trellis, ramada or other shade structures marketed for the purpose of reducing energy consumption. Attic fans and associated vents and louvers are permitted. Evaporative coolers are permitted provided they are suitable screened from view (no rooftop installations will be permitted). Energy efficient outdoor lighting is permitted. Retractable clotheslines are permitted.

**Repairs to a Structure.** ARC approval is not required if repairs are in accordance with previously approved plans and specifications. Modifications to the interior of a structure do not require ARC approval unless those modifications materially affect the outside appearance of the structure.

**Screen Doors.** ARC approval required. Design and color of the door should be in keeping with the architecture and color design of the residence.

**Seasonal Decorations.** No ARC approval is required for seasonal decorations. Seasonal decorations must be removed no later than 15 days after the holiday.

**Storage Sheds - Detached Structures of a Permanent Character.** In order to preserve the open nature of the South Pointe development, no permanent outbuildings are allowed.

**Suitably Screened from View.** Criteria will be determined on a case by case basis by the ARC. Typical criteria includes, but is not limited to: (a) cannot be viewed from the street, (b) cannot be viewed from the first floor of any unit, and/or (c) requires that 80% of the object or area be screened from the view of adjacent property owners and/or the first floor of any unit.

**Temporary Structures.** House trailers, tents, shacks, outbuildings and structures of a temporary nature are strictly prohibited by CC&Rs, Article IX, Item 6.

**Vehicles.** See Article IX, Items 8 of CC&Rs.

**Windows and Doors.** ARC approval is required for any window or door replacement or additions.