



Promontory Pointe EPC Owners Association

Design Guidelines & Community Standards for Promontory Pointe

**A Governing Document adopted by the
Architectural Control Committee**

January 2017

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Promontory Pointe

Design Guidelines & Community Standards

Part 1 Introduction

In order to maximize aesthetic benefits, bolster property values and ensure that a quality environment is created within Promontory Pointe, the following Design Guidelines and Community Standards have been adopted. These Guidelines and Standards are for Homes where Title has been transferred from the Builder to the Homeowner and Homes where the Title has been transferred from Homeowner to Homeowner. The Design Guidelines for the Declarant and Builders are included on the Final Approved PD Site Plan and within the Governing Documents for the Community.

These guidelines and standards are a tool to be used by the designated Architectural Review Committee in conjunction with the Declaration of Covenants, Conditions and Restrictions for Promontory Pointe to guide the development in a sensible, managed process.

These guidelines will also provide direction to the Homeowner in preparing plans that will implement sensitive land use practices, promote design excellence, and make improvements that enhance the appearance of this quality neighborhood.

These guidelines apply to all residents, including tenants; it is the responsibility of the Lot Owner to convey the rules to its tenant. It is highly encouraged that the Purchaser fully understands these guidelines prior to the purchase of their home.

1.1 Administration of the Design Guidelines

The Design Guidelines and Community Standards address architectural appearance, exterior improvements, landscaping and living environment standards and will be evaluated by the Promontory Pointe Architectural Control Committee (hereafter referred to as the “ACC” or “Committee”) using these Design Guidelines. It is the responsibility of the ACC or Committee to ensure that all proposed improvements meet or exceed the requirements of these guidelines. In general, the goals of these various components are focused on creating harmonious relationships with the existing terrain, minimizing harsh contrasts in the landscape, and the encouragement of unassuming architecture appropriate to this unique environment.

1.2 Legal Authority

The legal authority for these Design Guidelines and Community Standards is grounded and defined in the governing documents of the “Declaration of Covenants, Conditions and Restrictions for Promontory Pointe.” Under the terms of this document, the Board of Directors for the Promontory Pointe EPC Owners Association hereby adopts these

Design Guidelines and Community Standards. The Declaration shall govern, should any discrepancies occur between these Guidelines and the Declaration. These Design Guidelines and Community Standards are supplemental to regulations normally in effect for this property, including at least the Town of Monument Zoning and Subdivision Regulations, and applicable Federal, State, and County Regulations, as well as pertinent building codes. All construction shall comply with these Design Guidelines and all other applicable regulations. All property owners should refer to the recorded documents for the complete text of the Declaration. This Declaration is the basis of the authority for these procedures and is legally binding.

It is strongly recommended that all persons proposing any construction or improvements subject to review under these Design Guidelines and Community Standards seek the assistance of a qualified design professional, with appropriate skills, such as an architect, landscape architect, civil engineer, surveyor, etc.

1.3 Architectural Control Committee Structure and Responsibilities

The Architectural Control Committee shall consist of three (3) or more persons appointed by the Declarant (until the last lot has been closed) and thereafter by the Board of Directors. **Absolutely NO Improvements shall be constructed, erected, placed, planted, applied, or installed upon any unit or property until proposed plans and specifications have first been submitted and approved in writing by the Committee.** The Committee shall use the general and specific provisions of these Design Guidelines in making its decisions regarding plan reviews. Also, the Committee shall exercise its reasonable judgment to the end that all Improvements conform to and harmonize with the existing surroundings, residences, landscaping and structures. (See Section 6.1 of the Declaration for further information)

1.4 Variances

Approval of any proposed plan or improvement is within the sole discretion of the Committee, which may also grant reasonable variances or adjustments from any conditions or restrictions imposed by the Design Guidelines, when circumstances such as hardship, aesthetic or environmental conditions require. (See Section 6.3 of the Declaration for further requirements of a variance.) Such variances or adjustments may be granted only if they shall not be materially detrimental or injurious to other property or improvements in the neighborhood and shall not militate against the general intent and purpose of the Design Guidelines.

1.5 Revisions

The Committee reserves the right to revise these Design Guidelines from time to time as changing conditions and priorities dictate and as outlined in the Declaration. Final approval of all revisions will be given by the Board of Directors. Upon final approval, this document (or portions thereof) shall be distributed to all owners. Lot improvement approvals given prior to any revision shall remain approved based on the guidelines at the time of approval and shall not require change unless a revision is made at a later time for which the amended standard applies.

1.6 Fees and Deposit

The Committee has established a reasonable process and review fee for considering requests on plans submitted. The Review Fee and Deposit for the initial landscape plan is placed in escrow at the time of closing. Please contact the Builder or the Management Company for a fee and deposit schedule.

1.7 Definitions

Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declaration.

1.8 Interpretation

The Guidelines are subject to interpretation by the Committee, recognizing that it is not feasible for every possible scenario to be defined in this document. The Committee is, therefore, given broad authority to interpret the intent of these Guidelines and apply that basis to submittals of improvements that may not be fully established in these Guidelines.

Part 2 Design Review Procedures

2.1 Submission of Drawings and Plans

For plan review, the Owner shall submit to the Committee one set of plans, drawn to scale, with construction documents that include the following, but not limited to:

- a. Walks, decks, accessory structures, play & recreational accessories & equipment, fencing, landscaping & retaining walls.
- b. Indication of all proposed exterior materials.
- c. Any and all proposed improvements, including awnings, hot tubs, play equipment, animal control areas, etc.

For exterior colors and materials review, the Owner shall submit the following information to the Committee:

- a. Proposal of all finished exterior materials and colors, including but not limited to siding, downspouts, fascia, gutters, roofing, garage doors, front door, trim, etc.
- b. Samples of materials of appropriate size may be required at the discretion of the Committee.

For landscape plan review, the Owner shall submit a plan (drawn to scale) with sufficient detail to allow for a comprehensive review by the Committee.

The following guidelines shall be utilized in preparing the drawings and/or plans:

- a. The drawing or plan shall be done at a scale of 1"=10' or 1"=20' and should depict all property lines of the lot and the "footprint" of the home as located on the lot. Existing improvements, in addition to the home, shall be shown on the drawing and identified. Existing improvements would include (but not limited to) driveways, walkways, patios, decks, trees, lawn, shrubs, etc.
- b. All proposed plant locations, types, quantities and sizes as well as the location of turf and other groundcover materials shall be shown on the plan and labeled. The plan shall exhibit grading and layout of all additional landscape improvements such as berms, retaining walls, walks and structures.

For review of ancillary improvements such as sheds, dog runs, fencing, play and sport equipment, hot tubs, lighting, gazebos, etc., the Owner shall submit a plan (drawn to scale) for Committee review. The following information shall be included in the plan:

- a. A description of the proposed improvement(s), including the proposed materials and colors and the dimensions of the improvement(s).
- b. A proposed location of the structure in relation to the property lines of the lot and the "footprint" of the home as located on the lot.
- c. A diagram or brochure of the proposed improvement is always helpful in expediting these submittals.

2.2 Action by Architectural Control Committee

The Committee will meet regularly to review all plans submitted for approval. Additional materials may be required, which may postpone action until all the required materials have been received. The Committee will contact the homeowner if additional materials and/or information are necessary to provide a comprehensive review of the plans.

The Committee will act on the plans within 30 days after receipt of all materials required (unless the time is extended in writing by mutual agreement). A written response will be sent by mail within 10 days of the Committee's decision. The Committee may extend the timeframe up to an additional 20 days upon notification of the applicant. It shall be the owner's responsibility to obtain the written approvals prior to the commencement of any work. Failure of the Committee to respond in writing within 30 days of request shall deem the submitted plan(s) as an automatic denial.

The committee shall have the right to inspect the work and the right to file a notice of noncompliance where warranted.

2.3 Revisions and Additions to Approved Plans

Any revisions and/or additions made to the approved Architectural or Landscape plans must be resubmitted for approval and are subject to additional fees. The revised plans must follow the requirements outlined above.

2.4 Period of Plan Validation

Final approval of plans shall be valid for twelve (12) months from the date of the approval notice unless otherwise agreed to by the Board of Directors and the Homeowner in writing.

Part 3 Design Guidelines & Community Standards

The Community Standards established by these guidelines will help preserve the inherent architectural and aesthetic quality of Promontory Pointe. The improvements made to properties within the community shall be in harmony with the surrounding environment and shall not be detrimental to the rest of the community.

Site Development Standards

3.1 Grading, Drainage and Erosion Control

Upon completion of construction and prior to closing, each lot/yard will be completed with a final grade certificate (GIC) to comply with Local Codes that will leave the property in optimum condition for proper drainage. All disturbed areas shall be re-vegetated or landscaped in accordance with an approved plan.

Residents of Colorado are subject to extreme weather conditions such as heavy, rapid rain showers and extreme amounts of snow resulting in substantial drainage runoff. The runoff generated from this moisture can create eroding conditions on unimproved lots that may result in grading and drainage problems.

Surface drainage upon and across any lot must be addressed through the implementation of sound construction and grading practices. Existing points of entry and exit to and from a lot by historic surface drainage must be respected. **Any improvement, which creates an obstruction to surface flows resulting in a backup of water onto a neighboring lot or tract, is strictly prohibited.** Once proper drainage is established by the builder and the home is closed, it is the responsibility of the Owner to ensure that proper drainage & erosion control around the home is provided and maintained. The Owner is responsible for any damage caused to adjacent properties that is the result of their failure to properly install erosion control, maintain the final grade or properly install their landscaping. The Owner will be responsible for any fines associated with failure to properly install and maintain the proper erosion control.

3.2 Exterior Colors and Materials

Variation in colors and materials will be maintained from homes next to each other and across the street.

3.3 Retaining Walls

Retaining walls may be used to accommodate or create changes in grade. Walls must be properly anchored to withstand overturning forces and should incorporate weep holes into the wall design to permit water to be released behind them. Walls should be as low as possible, not to exceed four (4) feet in height and should be located so as to not alter existing drainage patterns. If an area requires retainage of higher than four (4) feet, walls should be terraced to a maximum height of four (4) feet to minimize impact. Lot line retaining walls unless installed by the Developer/Builder are discouraged. **See Attachment 1.**

Materials used to construct retaining walls should complement the natural surroundings and the architecture of the residence with the use of rock boulders, stone, masonry or certain types of treated landscape timbers. The use of old or used railroad ties is NOT permitted.

3.4 Driveways, Parking and Storage of Vehicles

The extension and expansion of driveways is strongly discouraged and requires specific Committee approval. Any approved expansion or extension shall comply with all pertinent building codes. Any approved expansion or extension will NOT be intended for parking or storage of any vehicle off the driveway on a side yard. Additionally, any driveway extension shall not obstruct, be in, or cover up the main house water shut-off valve box. Any vehicles, not limited to, but including trailers, RV's, campers, boats or vehicles in need of repair or stored may NOT be located in a driveway, yard or Right of Way (street or parkway).

No motor vehicles owned, leased, rented or used by Owners or related users shall be parked overnight on any street (Between the hours of 1:00 A.M. and 6:00 A.M.) within the community area. The Board reserves the right to approve temporary parking. Please reference Section 7.13 of Declaration of Covenants for Restrictions on Parking and Storage.

Auxiliary Improvement Standards

All of the following improvements require Committee approval, unless specifically noted otherwise.

3.5 Accessory Structures and Gazebos

Accessory structures shall be defined as completely enclosed structure having a door(s) or window(s). Gazebos are defined as open structures that cannot be enclosed with either windows or doors.

Accessory structures & gazebos will be defined & interpreted solely by the Committee & shall include but not be limited to sheds, greenhouses, playhouse, garden, utility or storage sheds, etc. They shall be located in the rear yard and shall adhere to the Architectural and Site Development Standards. **Such structures shall not exceed 100 square feet in floor area and eight (8) feet in height above the existing & established grade that the builder has established**, unless specifically approved by the Committee. It shall be complimentary to the architectural style of the primary home.

Requests for approval of accessory buildings will be reviewed on a case-by-case basis, taking into consideration the lot size, square footage of the home, proposed location and the impact on adjacent properties. No more than one (1) "accessory structure" of any kind shall be permitted per lot, if approved.

No structure will be permitted to be placed such that it will interfere with drainage flow on the lot.

Materials & colors of accessory structures, including roof & siding materials, shall match the primary residence. No metal or other prefabricated buildings will be allowed. Accessory structures shall NOT include a permanent foundation of any nature.

In addition, accessory structures, driveways, and/or additions are NOT permitted within the 5-foot side, or 7-foot rear public easements (unless the Builder or Declarant has placed one there originally).

Structures must be constructed, located and screened to minimize the visual impact to adjacent properties, trails and parks as determined solely by the ARC. Structures facing CORNER LOTS must be screened from the side street with (minimum 8 foot) evergreen trees.

Additionally, the Structures must be of the same, or generally recognized as complimentary, architectural style and color as that of the residence. Any utilities to accessory building shall be underground.

3.6 Air Conditioning Units

Ground level air-conditioning units must be installed at street level only and must be located in a side or rear yard. Window and roof-mounted air-conditioning units and evaporative coolers (When approved by Committee) are to be placed on the rear and sides of the home.

3.7 Window Treatments and Awnings

Window Treatments: Window treatments facing a street or common area park must appear permanent and be maintained in like-new condition. Cloth, blankets, newspaper, etc. are not allowed. Window tinting is also prohibited. Use of bright,

unfinished, colored, reflective, or mirrored surfaces on or behind glass is not permitted.

Awning: Patio covers; awnings and shutter colors must be complementary to the exterior color of the home and also integrate with the architectural style as determined solely by the Committee. Awnings are permitted on side and rear elevations only. Acceptable awning treatment includes solid color, treated canvas fabric. Unacceptable awning treatments include thin wood lattice, metal (unless it is part of the original home design and installed by builder), plastic and untreated or striped fabric. Awnings must be maintained in like-new condition. Where utilized, support posts for patio covers must be a minimum 4" x 4" in size.

3.8 Fencing

To allow for a more open, spacious feeling for the neighborhood, ***individual lot fencing will be STRICTLY LIMITED to specific styles, types, materials and colorations referenced below.*** It is highly recommended that purchasers fully understand the fencing restrictions at Promontory Pointe and their fencing needs before they decide to proceed with the purchase of a home in this subdivision.

Lot Fencing:

A. Fence Construction: Lot fencing shall be an open-rail, Pressure Treated or Rough Cedar 3-rail fence prototype with 6 x6 posts at eight (8) feet on center. The fence shall be constructed with Pressure Treated or Rough Cedar 2" X 8" rails and Pressure Treated or Rough Cedar 6" X 6" posts_(see Attachment 2). The top RAIL shall be 48" (inches) in height, with the POSTS placed 54" (inches) in height from the ground level to the top (the rail spacing shall be uniform and equal). The top of the post shall have a 30-degree bevel on the top of the post to match the development fence. All rails must be installed with 3/8" lag bolts & face outwards toward the street. (See Attachment 3).

Pending approval by the Committee, stone, cultured stone, or wrought iron fencing may be approved. On alternative fence designs, the Committee may require documented consultation with adjacent neighbors that are directly affected by the proposed fence.

B. Corner Lot Fencing: ALL fencing on side yard corner lots shall be installed a minimum of four feet (4') in from the edge of the sidewalk.

C. Containment: Limited-visibility welded wire fabric mesh having 2" x 4" openings may be used; however, the wire mesh MUST be fastened to the INSIDE of the fence (on the Owner's property side) in all situations to improve containment of pets. (In other words, the wire mesh is sandwiched between the rails and the posts). All welded wire fabric mesh must be 16 to 18-gauge non-rusting material and non-colored. The fence will NOT be allowed to have the 2 x 4 weld wire on the outside rails facing the street. The weld wire must be sandwiched between the post and rail. (See Attachment 3).

D. Front (Wing) Fence Setback: The ONLY Front (wing) fencing allowed in a front yard shall be setback a minimum of 4' from the corners of any front elevation of any home, not including the front porch.

E. Common Property Line Fencing: Double fencing of property lines is NOT allowed. Double fencing occurs when both Homeowners install a 3-rail fence alongside each other down the same property line. Each Homeowner must tie into, or transition into a neighbors existing fence (that was there first) without creating a double fence situation. All Homeowner fences must be constructed on their own property lines. It shall be up to each Homeowner to negotiate the shared cost (if any) of a common fence. No diagonal or cross-bracing shall be allowed. The only hardware allowed to fasten the fencing shall be a rust proof 3/8-inch diameter hex head with washer and a minimum 4" lag bolt (2 at each connection).

F. Fence Treatment: A clear wood sealer with NO pigmentation shall be the only sealant allowed on fencing to maintain a consistent appearance throughout the community. The sealant shall be applied a minimum of once every two years to maintain the appearance and integrity of the wood material.

G. Unauthorized Fence Materials: Painted fences and those constructed with chain link are strictly prohibited.

H. Animal Control Fencing: NOT ALLOWED (sometimes referred to as dog run containment fences). The only animal containment allowed is the individual lot fencing referenced above. Invisible (underground) electronic fencing used for pet containment is encouraged as an alternative to the 3-rail wood fencing.

I. Access to Trail System: Since the trails and open space are not managed or maintained by the Homeowners Association, Homeowners who want to install a gate in their fence for accessing these areas must obtain permission from the managing entity for these areas before installing a gate. This permission must be obtained prior to submitting your plan for approval. A document granting or showing permission for the gate must be included with your plan submittal. Please contact the Community Manager for the contact information for the entities who manage the open spaces.

3.9 Exterior Lighting

Exterior lighting that is installed and maintained on lots within the community must be either directed downward, indirect or of such controlled focus and intensity so as not to disturb the residents of adjacent and neighboring properties. Flood lighting, sodium vapor, or other harsh HID light sources will not be allowed. The Committee will consider the visibility, style, location and quantity of light fixtures when evaluating plans. The only exception to this is Builder or Declarant Model Homes. Builder or Declarant shall have the right to illuminate their model homes with lighting.

3.10 Hot Tubs and Jacuzzis

Hot tubs and Jacuzzis should be designed as an integral part of the deck and patio area and be located in the side or rear yard area with appropriate screening from adjacent neighboring properties, parks and streets. Owners must ensure that it does not create an unreasonable level of noise for adjacent property owners.

3.11 Play and Sports Equipment

All play & sports equipment shall be located in the rear yard (except for basketball) areas and shall be situated at least five (5) feet from side property lines and seven (7) feet from the rear property line, outside of all utility and drainage easements. Play equipment shall be located so as not to create an undue disturbance and visual impact, as determined solely by the Committee, on neighboring properties.

Play equipment/structures shall not exceed eleven (11) feet in height. Acceptable materials & colors for all play equipment & canopies on play equipment shall be a solid muted color or wood in a natural stained color.

Basketball Units: Pole-mounted backboards shall be placed in the front yard along the outside edge of the driveway at least half the length of the driveway away from the street, or in the rear yard areas. Backboards shall NOT be located along any sidewalk or street. The location must not impede or obstruct the use of the garage or driveway, and the backboard/goal must be leveled so that the goal is balanced and standing upright. Backboards must be white, off-white, clear or other neutral colors, in the sole discretion of the Committee. **Portable freestanding basketball boards must be properly stored within five (5) feet of the home (ON A DAILY BASIS) when not in use and are NOT allowed in the streets or parkways.** No equipment shall create a hazard to any homeowner and recreational equipment shall not be used after 10:00 PM.

3.12 Satellite Dishes and Antennas

One satellite dish/antennae may be installed on a residential lot subject to the following conditions:

- A. The satellite dish/antennae shall be one meter or less in diameter.
- B. To the extent feasible, the satellite dish/antennae should be placed in the rear or side of the home or yard.
- C. The satellite dish/antennae should be installed at the lowest possible placement, utilizing ground level sighting (unless a signal is unattainable).
- D. Other than the home, no equipment shall be attached to any wall or fence.

3.13 Signage

One temporary sign advertising property for sale or lease which is no more than five (5) square feet is permitted. All trade signs, such as landscape contractors, painters, remodeling firms, may only be displayed while work is in progress and must be removed immediately upon completion of the job. The Association retains the right to remove unauthorized signs from the property; the property owner will be advised of where the sign can be picked up.

No other advertisements or signs, unless approved by the Governing Documents, of any other character shall be erected, placed, permitted or maintained on any home (including rooftops) within the community. No signs shall be allowed on ANY developer installed or Association perimeter walls, fencing or homeowner fencing.

In an effort to both maintain neighborhood aesthetics and comply with state and local law, political signs, banners, or flags may be displayed ninety (90) days prior to the elections and shall be removed within 7 days after the election. Homeowners are allowed one sign per political office and ballot issue that is contested in a pending election, and it can't be larger than thirty-six inches by forty-eight inches (36" x 48").

Garage sale signs may only be displayed the day(s) of the sale only.

3.14 Swimming Pools

Requests for swimming pools will be reviewed on a case-by-case basis by the Committee with consideration given to, but not necessarily limited to, the size of the yard area, setback and impact to adjacent properties, and the size of the swimming pool.

3.15 Trash Collection and Containers

Each Purchaser acknowledges that in an effort to save the Community and the residents money, avoid multiple trash collections, excessive wear on community streets, increased traffic within the Community and safety concerns, the Homeowners Association has selected one residential trash collection service provider for the Community. The chosen service provider will collect trash on a specified date for the entire Community.

Upon occupancy of a dwelling unit, service will be established by the Management Company for the new residents. The cost of waste removal shall be a common expense, included in the assessment. Trash service charges will NOT be refunded to any Owner regardless of a home sale, relocation, non-occupancy, military deployment, or non-use of the services for extended vacation or other reason.

Owners must acknowledge that they are required to use the residential trash collection services (including any limitation in collection limits and date of collection) selected by the Association and are expressly prohibited from arranging alternative trash service.

The cost of trash service cannot be separated from the assessment for Owners

renting their unit; this arrangement must be a separate agreement between the Owner and its tenant, not involving the Association.

Collection containers shall be stored in a screened location and in a manner not visible from the street. Screening design and materials must be submitted to and approved by the Architectural Control Committee. Screens for the sole purpose of hiding a trash can from view will be evaluated on a case-by-case basis through the ACC for final install approval. Materials used for the purpose of screening a trash can from street view and only for this purpose will not be considered a fence. This structure will be limited in size to slightly larger than the width, length and height of the HOA-provided receptacle. Trash containers must be removed from the street on the pick-up day. Trash/trash containers are not to be put out at the curb until the morning of service; all trash must be placed within a container having a lid or secured in such a way to prevent the trash from blowing onto the property of others or into the common areas.

Any issues arising regarding an Owners' service should be addressed to the Management Company for prompt resolution. Because the service contract is written between the Association and the Service Company, the company will not have the individual unit owners name in their record.

3.16 Outside Storage of Lawn Equipment and Firewood

When not in use, all equipment and materials for the maintenance and recreation of a Lot or Dwelling Unit shall be stored in an enclosed building or otherwise adequately screened so as not to be visible from neighboring properties or adjoining streets. Firewood kept on the property must be placed in the rear yard away from the home neatly stacked and adequately screened so as not to be visible from neighboring properties or adjoining streets. Committee approval is not required for wood storage as long as it is properly stacked and screened.

3.17 Yard Ornaments

Yard ornaments such as birdbaths, birdhouses, fountains, water features, sculptures, and statues require Committee approval prior to installation. Placement of yard ornaments in the front yard is discouraged. Freestanding flagpoles on private lots shall not be allowed except in model home areas or other areas subject to specific approval by the Committee.

3.18 Exterior Painting and Repainting

Committee approval is required for the exterior repainting of lot improvements. The submittal must contain the manufacturer's paint chips with name and code number. Approval will be based on, but not be limited to, the color tone and brightness, the home's architecture, stone or brick accents, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties. Downspouts should be painted to match the surface to which it is adjacent, causing them to have minimal visual impact. Generally, garage doors should be painted the same as the body color.

3.19 Holiday Lighting

While holiday lighting does not require approval, the brightness or direction in which this lighting is installed should not intrude on neighboring homes. Holiday lighting is a temporary improvement and may not be installed on any home before October 15 and must be removed in its entirety (including all holiday lighting accessories) by January 31.

3.20 Security window bars and roll-up coverings are not permitted.

3.21 Clotheslines

Outdoor clothes poles, clotheslines or other facilities for drying, airing clothing or household goods are not permitted on any Lot. No laundry or wash shall be dried or hung outside any dwelling unit or other improvement.

3.22 Doghouses

Doghouse exterior colors and materials shall match the residence. The maximum size shall be 4' x 4' and shall not exceed 4' in height. In making submittal for plan approval, owners should include the proposed location of doghouse along with a sketch or diagram, identifying materials and colors.

3.23 Address Numbers shall not exceed four (4) inches in height.

3.24 Animals and Pets

No animals, livestock or poultry shall be kept, bred or raised on any lot within the properties except ordinary household pets belonging to the household. Additionally, pet breeding is NOT allowed. Household pets, such as dogs and cats, must be contained upon the owner's privately-owned site, and such pets shall not be permitted to run at large at any time. ("at large" means off the premises of the pet owner).

Pedestrians who are accompanying a pet must have the pet under control by use of a leash. Voice commands alone are NOT acceptable measure for adequate pet control. **Animal excrements must be collected immediately and disposed of by the owner in respect to the property of others, including the common areas.**

In compliance with City and County resolutions, an owner must prevent his/her dog (or pet) from disturbing the peace of others caused by loud, habitual, or persistent barking, howling, yelping, or whining.

3.25 Tree Houses are not permitted

3.26 Motor Homes/Recreational Vehicles

Recreational vehicles are NOT permitted to be kept or parked in residential areas unless they are parked and stored in an attached garage that has been approved by the Committee.

Owners having visitors with recreational vehicles should contact the Management Company to discuss acceptable temporary parking arrangements during their visit.

3.27 Motorcycles

All vehicle regulations apply to motorcycles as well, utilizing the garage for storage when not in use.

Part 4 Architectural Standards

4.1 Decks

Decks must maintain the overall form and be a natural extension of the architecture. Decks and balconies must be integrated into the building (match the existing exterior finish) through the use of similar materials and detailing.

Wood deck materials shall not be left to weather naturally. Decks can be treated with either stain or paint. Stain shall consist of no more than a 10% pigmentation color. The color shall be an earth or natural tone as determined by the Committee and must match either the trim or body color of the home.

4.2 Solar Equipment and Skylights

All solar equipment and skylights shall be incorporated into the structure and building mass and be architecturally compatible with the residence.

4.3 Roof Replacements and Rooftop Equipment

Committee approval is required if roof material or color is changed following the initial roof material approval. Roof color should be complementary to other colors on the home. Rooftop equipment must be approved and be painted to match the roof material or be complementary to the exterior of the home, installed to minimize visibility.

4.4 Storm Doors

Committee approval is required for the addition of screen doors or storm doors added to a home. Applications should include a brochure of the proposed improvement(s).

Part 5 Landscape Standards

The landscape guidelines for Promontory Pointe are intended to promote variety while strongly unifying the neighborhood.

The design principles and features to be used in achieving the landscape character include:

- Providing a variety of seasonal color, textures and forms. This will provide year-round interest and diversity.

- Allow landscape to flow throughout the community instead of delineating lot lines.
- Utilize landscape to enhance desirable views and to screen less desirable views. The proper placement of landscape materials is important in how the community looks and feels.
- Provide sufficient size and quantity of landscape materials for initial impact. The landscape should feel substantive even in the community's early years.
- Interesting and varied streetscapes which de-emphasize and mitigate the impact of garages while emphasizing other interesting architectural components and features.
- Landscape materials, colors and textures that provide visual interest, depth and detail appropriate for the lot and architectural style of the home.
- A sample landscape submittal can be referenced on **Attachment 4**.

5.1 Turf Areas

A. Front Yards

The builder is responsible for the installation of/or providing for the installation (up to the front corner of the home) of the front yard landscaping. The front yard landscaping is to comply with the Landscape Requirements for the Community.

B. Landscape Requirements

The yard must be landscaped to include a minimum of (1) Tree, (3) Shrubs & (3) Ornamental Grasses per 1,000 Square Feet of Landscaped Area (Front, Side & Rear Yard). All Planting Beds, Rock or Mulch Areas must contain enough plants so that there are no big expanses of area without significant plant material. Turf areas are limited to a Maximum of 33% of the Landscaped Area (Front, Side & Rear Yard).

Deciduous trees shall be a minimum of 2 ½" caliper and evergreen trees shall be a minimum of 8 feet in height. Rock or mulch areas that do not contain shrubs or trees are not allowed. Where no side yard fencing exists, landscape bed lines must blend with the adjacent lot to avoid visual delineation of property lines (see Section 5.9).

With Committee approval, Synthetic or artificial turf can be installed in rear yards. Artificial turf will not be allowed in the front or side yards that are adjacent to street frontages. To ensure that a quality turf product that meets the aesthetic requirement of the Community is installed, a physical sample of the proposed synthetic or artificial turf must be submitted with the Design Review Application.

5.2 Planting Requirements

The minimum size for plant material (at time of planting) in Promontory Pointe is:

- | | |
|--------------------|------------------|
| a. Deciduous Trees | 2 ½ inch caliper |
| b. Evergreen Trees | 8-foot height |

- c. Shrubs 5-gallon
- d. Perennials 1-gallon

All beds must contain enough plants so that there are no big expanses of areas without significant plant material.

- a. Small to medium shrubs must be planted at three (3) to four (4) feet on center and be five-gallon size.
- b. Large shrubs must be planted four (4) to six (6) feet on center and be seven (7) gallon or up in size OR be balled and bur lapped.
- c. Perennials shall be 1-gallon in size and planted a maximum of 18 inches on center.

5.3 Mulch and Rock Areas

Stone or gravel mulch with harsh, unnatural or high contrast colors shall be prohibited, including the use of black granite, white marble and lava rock. Dyed or painted rock is also prohibited. Decorative rock mulch having a size of between ¾” – 1 ½” diameter shall be used in planting beds. Decorative rock larger than 1½ inches in diameter is not allowed for this purpose.

Natural wood mulch has environmental advantages to plant material and its use is strongly encouraged. Planting beds for perennials and/or annual plants must include mulch or decorative rock as a groundcover, avoiding bare soil and lined with landscape fabric as a weed barrier (no plastic allowed). The mixture of rock and wood mulch in the same planting bed is not permitted unless proper delineation of materials is achieved.

5.4 Edging Materials

All wood mulch or decorative rock areas that are adjacent to turf or contrasting ground cover materials shall utilize metal, brick, concrete, or other professional quality edger to define the planting areas and provide a clean maintenance edge (plastic edging is not permitted). This does not pertain to single trees or single shrubs planted in turf areas. All edging materials must be installed so as to not impede the approved drainage design for the lot.

5.5 Landscape Irrigation System

To minimize damage from lack of watering to the landscaping, an underground irrigation or sprinkler system is REQUIRED to be installed in all landscaped areas. Care shall be given in the design of the system to minimize overspray onto walkways, driveways and streets. Drip irrigation should be used for plant material wherever possible to maximize water usage. Pop/up spray irrigation must be kept a minimum of 3 feet from foundations.

5.6 Vegetable Gardens

- a. Gardens must be located in the rear yard and outside all easements.
- b. Gardens shall not be located where lot drainage patterns would be impaired.
- c. Gardens shall not be placed within 5' of the foundation of the home.
- d. The maximum garden size allowed is 400 square feet.
- e. Plants may not exceed four feet in height.
- f. Dead plants must be removed or mulched into the soil at the end of the growing season.

5.7 Sight Visibility Triangle Maintenance

The Owners of private property containing a traffic sight visibility triangle are prohibited from erecting or growing any obstructions over three feet in height above the elevation of the lowest point on the crown of the adjacent roadway within the triangle. Refer to the Recorded Development Plan if there are questions as to the location of these areas.

5.8 Soil Amendment and Turf Installation

All turf areas must be amended with a minimum of three (3) cubic yards per 1000 square feet of an acceptable soil amendment (either peat moss/compost mixture, or a peat moss compost/manure mixture) mixed to a depth of 3-4 inches. Turf must be kept a minimum of three (3) feet from all foundations. The minimum width of a lawn area is 5 feet unless otherwise approved.

5.9 Lot-to-Lot Landscape Transition

Landscape between lots shall provide a cohesive relationship that de-emphasizes the lot lines. Tree and shrub massing as well as turf areas shall blend together across lot lines; hard edges such as mow strips, edging and walls between lots shall be minimized.

Where mulch or rock areas on adjacent side-yards abut one another, a single unified planting bed with a consistent edge line shall be installed in both yards. One type and color of decorative rock, cobble/drainage rock or wood mulch shall be used throughout the abutting landscape area. Two different types of decorative rock or wood mulch (from one yard to the next) in the same planting bed are NOT ALLOWED. It shall be the responsibility of the last homeowner to match the approved & or installed existing landscape design of the existing homeowner.

5.10 Site Maintenance

Owners shall keep all landscape material, accessories and debris properly stored and disposed of in an appropriate and timely manner as determined solely by the ARC. Owners shall keep topsoil, mulch, sod, rock and other material properly stored and stockpiled on the owner's lot and not on the public right of way (street) when in the process of landscaping, avoiding the creation of a potential traffic hazard.

Additionally, owners shall not cause erosion issues with surrounding properties. Any damage to public improvements during landscaping, such as curbs or right of ways (streets), shall be the responsibility of the owner to repair to its original condition.

Part 6 Miscellaneous

6.1 Timeframe for Submittal and Completion of Landscaping

A landscape plan indicating any grading changes, erosion control and reclamation, and formal landscape features shall be completed within 90 Days (excluding the months of November thru March) of occupancy of the dwelling unless otherwise approved.

All planting that occurs on the property shall conserve and complement existing landscape. All yards shall be landscaped and thereafter maintained, including areas of natural vegetation of trees, surface boulders, or other natural features.

6.2 Non-Liability

Committee approval pursuant to these Design Guidelines does not approve or guarantee engineering design or compliance with laws and applicable governmental ordinances or regulations (such as zoning and building ordinances). Furthermore, approval by the Committee does not reflect any representation by the Committee, its members, the Association nor the Declarant or assume any liability or responsibility for engineering design or compliance with laws and applicable governmental ordinances or regulations or any other matter relating thereto, other than these Design Guidelines.

Neither the Committee, its members, its agents, the Association, the Directors of the Association, the Declarant, nor any successors, assigns, agents, employees or officers of them shall be liable to any Owner or other person for any damage, loss, or prejudice suffered or claimed an account of: (1) approval or disapproval of any plans, (2) performance of any work, whether or not pursuant to approved plans, drawings and specifications, or (3) development of any property within the subdivision.

6.3 Homeowner Association Information

The current management contact information for the Homeowners Association is:

Z&R Property Management
Attention: Darren Burns
6015 Lehman Drive, Suite 205
Colorado Springs, CO 80918
Phone: 719-594-0506
Fax No: 719-594-0473
Email: darren@zandrmgmt.com

6.4 Aesthetic Considerations

Aesthetic considerations relating to any improvement or other matter that is addressed in these Design Guidelines are within the scope of the design review process, and the Architectural Control Committee and/or the Board of Directors may deny or condition any application or request before it on the basis of aesthetic considerations, including the design theme for the development and specific areas within the development as well as the aesthetic consistency of a proposed improvement or other matter with the surrounding landscape and structures.

The foregoing Design Guidelines & Community Standards, setting forth the community's standards, policies and procedures of the Architectural Control Committee are hereby adopted this 1st day of September 2015.

ACKNOWLEDGEMENT. Owner/Purchaser certifies that he/she has read and fully understands each and every part of these **Promontory Pointe Design Guidelines & Community Standards** and agrees that these Guidelines are binding upon his/her Lot.

PURCHASER

PURCHASER

ADDRESS

DATE