

# **DESIGN GUIDELINES**

**for the**

**BENT GRASS**

**RESIDENTIAL COMMUNITY**

**as set forth by the  
Architectural Committee and the Bent  
Grass Metropolitan District**

Adopted ***MAY 31, 2023***

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## ARTICLE I GENERAL INFORMATION

### **Section 1.1 The Purpose.**

Early in the planning process for this community, the Developers of the Bent Grass Community, in El Paso County, Colorado, hereinafter (“Bent Grass”), recognized the natural beauty of this site and commissioned a development plan that conserves many of its distinctive features. To ensure that a quality environment is created and maintained, these Design Guidelines (the “Design Guidelines”) have been adopted. The Design Guidelines are a tool to be used by the designated Architectural Committee (referred to as the “AC” hereafter) to guide development in a sensible, managed process while still allowing for individual freedom of expression.

The Design Guidelines pertain to all residential site and building development and have been adopted to provide a basis for consistency of development. As such, these guidelines are just that—guidelines, clear and concise enough to give a strong direction yet flexible enough to be adapted to different sites and different development programs. It will be the express purpose of the AC to interpret these guidelines consistently and reasonably. These Design Guidelines expressly do not apply to non-residential developments of the Bent Grass Community, as those developments may be guided by separate Design Guidelines established by El Paso County and the Owners.

The Design Guidelines provide a framework for site development and architectural appearance, with the goal of minimizing harsh contrasts in the landscape, conserving pleasing and significant natural systems, and encouraging unassuming architecture appropriate to this unique environment.

### **Section 1.2 Legal Authority.**

Authority for design review is grounded in the governing documents for this community, specifically the Service Plan (as approved by the Board of County Commissioners on September 24, 2007) for the Bent Grass Metropolitan District (the “BGMD”), which shall have the authority to enforce any covenants or design criteria for the community. All definitions of specific terms within these Design Guidelines may be derived directly from the Declaration of Covenants, Conditions, and Restrictions of the Bent Grass Community (CCR’s) recorded 12/2/2020 #220195623. Property owners should refer to the recorded plat and development plans, the Articles, Bylaws, Design Guidelines, Rules, and Regulations (if any), and Resolutions adopted by the Board of the BGMD. Under the terms of this document, the Board of the BGMD hereby adopts these Design Guidelines as the basis for all design review. Should these guidelines be revised, such revisions shall then take precedence over previous versions of the guidelines. The BGMD shall govern should any discrepancies occur between these Guidelines and other recorded documents.

### **Section 1.3 Definitions.**

Architectural Committee (AC) shall mean the committee created pursuant to Article 5 of the CCR’s.

Builder shall mean any Person purchasing a Lot for the purpose of constructing a Home to be sold to an Owner or any Person hired by an Owner to construct a Home on the Owner’s Lot.

Owner shall mean the record title holder, including Declarant, whether one or more Persons of fee simple title to a Lot.

Community Area shall initially mean the real property described in Exhibit A of the CCR's and all real property that the Declarant makes subject to this Declaration in the future pursuant to a document recorded in the records of El Paso County, Colorado.

Declarant shall mean both Rivers Bent Grass, LLLP and Challenger Communities, LLC, a Colorado limited liability company, and any person or entity to which Declarant specifically assigns all or a portion of its rights or obligations as Declarant under this Declaration by written document recorded in the records of El Paso County, Colorado, and its successors and assigns. A successor to Challenger Communities, LLC, by consolidation or merger, shall automatically be deemed a successor or assign of Challenger Communities, LLC, as Declarant under the Declaration.

Home shall mean an Improvement on a lot that is intended to be used for residential occupancy.

Improvement shall mean anything which alters the previously existing exterior appearance of any land, all structures and appurtenances thereto including, but not limited to, Homes, buildings, outbuildings, patios, swimming pools, garages, doghouses, pet enclosures, mailboxes, aerials, antennas, roads, driveways, parking areas, fences, screening walls, retaining walls, stairs, decks, landscaping, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, exterior air conditioning units, water softener fixtures or equipment, and poles, tanks, pipes, lines, meters, towers and other facilities used in connection with water, sewer, gas, electric, telephone, radio, television (including cable or satellite systems), or other utilities.

Landscape shall mean the treatment of the ground surface with live plant materials or decorative surfacing materials approved by the Architectural Committee and shall include related irrigation or watering systems.

Lot shall mean a parcel of land designated as a lot, a separate parcel of land, improved or unimproved, in a recorded Plat within the Community Area, together with all appurtenances and Improvements associated therewith, now existing or subsequently created.

Person shall mean a natural individual, trust, or legal entity with the legal right to hold title to real property.

Pet shall mean and include dogs, cats, birds, reptiles, or other household animals as further defined in or supplemented by the Rules and Regulations.

Plans shall mean any and all documents designed to guide or control an Improvement or other proposals in question, including but not limited to those indicating size, shape, configuration, or materials, all site plans, excavation and grading plans, foundation plans, drainage plans, landscaping and fencing plans, elevation drawings, floor plans, specifications on all building products and construction techniques, samples of exterior colors, plans for utility services and all other documentation or information relevant to the Improvement or proposal in question.

Plat shall mean a governmentally approved and recorded map of the land that is part of the Community Area.

Rules and Regulations shall mean those written instruments, however identified, if any, adopted by the Board as provided in Section 6.07(d) of the CCR's, for the regulation and management of the community, and as the same may be amended from time to time.

**Section 1.4 Supplemental Guidelines to City, County & State Regulations.**

These Design Guidelines are supplemental to regulations normally in effect for this property, including the applicable federal and state regulations and pertinent building codes. All construction shall comply with these Design Guidelines and all other applicable regulations, including but not limited to the Pikes Peak Regional Building Department (PPRBD).

**Section 1.5 Recommendation for Professional Guidance.**

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

**Section 1.6 Non-liability.**

AC approval pursuant to these Design Guidelines does not approve or guarantee engineering design or compliance with the law and applicable governmental ordinances or regulations (such as zoning or building ordinances) and does not reflect any representation by the AC, its members, the Board, the Association or the Declarant to assume any liability or responsibility for an applicant's engineering design compliance with any applicable laws, governmental ordinances or regulations, or any other matter relating thereto, other than these Design Guidelines. All applicants are encouraged to contact the El Paso County Planning and Community Development Department and the PPRBD for information regarding applicable governmental requirements, regulations, and permit matters. Neither the AC, its members, the Board, the Association, the Declarant, nor any of their successors, assigns, agents, employees, or officers, shall be liable to any Owner or other person for any damage, loss, or prejudice suffered or claimed on 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 Bent Grass.

**Section 1.7 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 AC may deny or condition any application or request before it based on 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.

## **Section 1.8 Administration of the Design Guidelines.**

In order to maximize aesthetic benefits to the neighborhood and to bolster property values, all proposed exterior home improvements and site improvements will be evaluated by the AC using these Design Guidelines. It is the responsibility of the AC to ensure that all proposed improvements meet or exceed the requirements of these Design Guidelines and to promote the quality design for this neighborhood. The AC will aid the Builder and Owner in meeting these standards.

## ARTICLE II DESIGN REVIEW PROCEDURES

### **Section 2.1 Submission of Drawings and Plans.**

All Builders, Owners, contractors, subcontractors, and/or their designated representatives shall comply with the following Design Review Procedures in order to gain approval for any improvement to property within the Bent Grass Community. All construction that is to be undertaken in these neighborhoods, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements, including but not limited to walks, driveways, drainage, fencing, lighting, landscape planting, or other exterior improvements, is subject to review and approval under these Design Guidelines. Unless otherwise specifically stated herein, drawings or plans for a proposed improvement must be submitted to the AC, and written approval of the AC must be obtained before the improvements are made. The AC shall not charge any fees for review; however, any reasonable engineering, consulting, or other fee incurred by the AC for reviewing any proposed improvement will be assessed to the Owner requesting approval.

### **Section 2.2 Architectural Plan Review.**

For new building construction or major improvements, such as room additions, remodels, or structural changes, the Builder or Owner shall submit to the AC one (1) set of construction documents to include the following:

1. One set of architectural plans at a scale of 1/4" = 1'0", including:
  - a. Architectural elevations (front, sides, and rear).
  - b. Floor plans, including square footage for each floor.
  - c. Roof plans indicating pitches, ridges, valleys, and location of mounted equipment.
  - d. Indication of all proposed exterior materials, including proposed colors.
  - e. Exterior details, including items such as chimneys, exterior stairs and decks, and railings.
  - f. Any other proposed improvements (i.e., decks, awnings, hot tubs, etc.)



2. Site Plan of the lot, at a scale of 1" = 20' or 1" = 30', including:
  - a. Lot lines and dimensions, building setbacks, street right-of-way, curb lines, and easements.
  - b. Existing and proposed contour lines at 2' intervals extending to all property lines, existing or proposed street elevations, finish grade at building corners, and drainage swales may be required. Finish floor and garage slab elevations also may be required.
  - c. Building footprint, including finish floor and garage elevation.
  - d. Walks, driveways, decks, accessory structures, dog runs or privacy fencing, retaining walls with top and bottom wall elevations.
3. Upon a Builder receiving approval from the AC for a particular Master Plan model, subsequent submissions to the AC for the same model shall require the AC to only consider the location of the improvements upon the lot, compatibility of the model to the particular lot and proximity to the same model on other lots. Further, subject to review set forth in this Section 2.2, a Builder may seek pre-approval from the AC for a particular model or models.

### **Section 2.3 Landscape Plan and Other Site Improvements Review.**

Approval shall be obtained prior to installation, modification, removal, or replacement of any landscaping or any other site improvements, including, but not limited to, pet enclosures, play & sports equipment, fencing, deck or patio additions, and site lighting. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, landscape architect, or drafters but, at a minimum, shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the AC. The following guidelines should be utilized in preparing drawings or plans:

The drawing or plan should be done at a scale of 1" = 20' or 1" = 30' and should depict the property lines of the lot and the "footprint" of the home as located on the lot. Existing improvements, in addition to the home, should be shown on the drawing and identified. Such improvements include driveways, walkways, decks, trees, and shrubs.

1. All proposed plant locations, types, quantities, and sizes; the location of artificial turf and other ground cover materials should be shown on the plan and labeled. The plan should exhibit the grading and layout of all additional landscape improvements, such as berms, walks, and structures not covered under the approved Plot Plan Review.
2. Plans for any other site improvements, such as play/sports equipment, dog runs, hot tubs, trellises, retaining walls, lighting, gazebos, etc., should be shown on the plan with a description of the proposed improvement, including the materials and colors to be used. In the case of structural improvements (trellises, gazebos, etc.), an elevation drawn to the scale of the proposed improvement is required.

3. In addition to lot-specific landscape plans, builders may provide and receive advanced approval for lot-typical plans. Due to the varied size and types of lots, a “typical plan” must cover the different conditions that will be encountered, such as “Narrow front/wide rear,” “Wide Front/Narrow Rear,” and “Corner Lots.”

#### **Section 2.4 Revisions and Additions to Approved Plans.**

Any revisions and/or additions to the approved architectural or landscape plans made by either the Builder or Owner must be resubmitted for approval by the AC. The revised plans must follow the requirements outlined above. The AC will review the plans and provide a written response no later than 30 days after the submittal.

#### **Section 2.5 Action by the AC.**

The AC will meet as needed to timely review all plans submitted for approval. The AC may require the submission of additional materials and may postpone action until all required materials have been submitted. The AC will contact the applicant, in writing or by phone, if additional materials are necessary or if the AC needs additional information or has any suggestions for change. The AC will approve or disapprove the plans in writing within thirty (30) days after receipt of all materials required by the AC (unless the time is extended by agreement). If a written response by the AC is not received within the 30-day period, the application will be deemed disapproved.

#### **Section 2.6 Certification of Accuracy.**

The AC, in its sole discretion, may require the Builder to provide a Certificate of Accuracy from a registered, licensed surveyor (hired by the Builder) attesting to the accuracy of the following:

1. The building foundation is located as approved (+/- 6” tolerance) by the AC in the final approved plans.
2. The building foundation elevation is approved (+/- 6” tolerance) by the AC in the final approved plans.
3. The certificate must be in the form of an improvement survey showing the dimensions of the foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of the top of the foundation walls. Points at which elevations are taken must be clearly identified and correlate with the location of the top of the foundation, as shown on the final approved plans.

#### **Section 2.7 Review of Work in Progress.**

The AC shall have primary authority to enforce the provisions of these Design Guidelines. The AC may review all work in progress to the extent required to ensure that the construction or work complies with any and all approved plans and construction procedures. The absence of such reviews or notifications during the construction period does not constitute either approval by the AC of work in progress or compliance with these Design Guidelines. The AC may withdraw approval of any project and require all activity at such

project to be stopped if deviations from the approved plan or approved construction practices are not corrected or reconciled within ten (10) days after written notification to the Builder or Owner specifying such deviations or such longer period as the AC may specify. Any AC visits are in addition to standard inspections required by other jurisdictions throughout the construction process.

**Section 2.8 Rights of Appeal.**

Any Builder or Owner aggrieved by a decision of the AC may appeal the decision to the Bent Grass Covenants in accordance with procedures to be established by the Board. Such appeal shall be in writing and filed within 30 days after the decision of the AC. If the decision of the AC is overruled by the Bent Grass Covenants on any issue or question, the prior decision of the AC shall be deemed modified to the extent specified by the Board, and such decision, as so modified, shall thereafter be deemed the decision of the AC. If not appealed or as so modified or affirmed, the decision of the AC shall be conclusive and binding on all interested parties.

**Section 2.9 Effect of Governmental and Other Regulations.**

Approval of plans by the AC shall not be deemed to constitute compliance with the requirements of any local, zoning, safety, health, or fire codes, and it shall be the responsibility of the Builder, Owner, or duly authorized representative submitting plans to assure compliance with all applicable rules and regulations. Nor shall any approval waive any requirements on the part of the Builder, Owner, or their representative to comply with setbacks, height restrictions, or other requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the AC, where applicable.

**Section 2.10 Period of Plan Validation.**

Final approval of plans is valid for twelve (12) months unless otherwise agreed to by the AC and the Builder or Owner in writing. Construction must begin within this period. If not, plans must be resubmitted for review by the AC. A submittal proposing a different dwelling for the same home site requires the resubmittal of plans following the abovementioned requirements.

ARTICLE III IMPROVEMENT STANDARDS

**Section 3.1 Building Setbacks.**

Building setbacks shall comply with the site-specific setbacks shown on the Development Plan for each specific filing. Where lot terrain dictates, the AC may consider the Development Plan setback requirement the minimum standard for any structure.

**Section 3.2 Maximum Building Coverage.**

In conformance with the applicable Development Plan for Bent Grass, the maximum coverage of the Lot by structure(s) shall comply with local development standards.

### **Section 3.3 Streetscape Variety.**

Model Repetition: Within the development, repetition of models is permitted, subject to the requirements set forth by the local municipality.

Exterior Color Repetition: Within the development, repetition of colors is permitted subject to the requirements outlined in this Section. To maintain architectural variety within the neighborhoods, the same body color may not be on two adjacent homes, left or right, nor may the same body color be on a home across the street if the lots overlap by more than 50%.

### **Section 3.4 Grading and Drainage. (See CCR's Section 4.09 for comparison)**

All buildings must be designed to fit the finish contours of the lot without excessive grading. Where grading is necessary, cut and fill slopes should generally be kept to 3:1 with a maximum of 2:1. Retaining walls may require AC approval and should be utilized where slopes would exceed 2:1. No grading shall extend beyond existing property lines of the home site without expressed written permission of the AC and the adjacent property owner.

### **Section 3.5 Erosion Control. (See CCR's Section 4.01 for comparison)**

During all site construction, techniques for controlling erosion within the home site and onto other sites shall be mandatory and strictly enforced by the AC. Techniques include using sedimentation basins, filtration materials such as straw bales or permeable geotextiles, and slope stabilization fabrics or tackifiers.

### **Section 3.6 Driveways and Parking.**

Driveways shall be paved. Materials and colors other than grey concrete will require AC approval before installation.

The recorded plat for some filings may restrict access from some lots onto certain specified streets. These are called "Restricted Lots." All persons or entities having any interest in any of the Restricted Lots are required to and shall arrange and maintain any drives, dwelling, or other structures so that ingress and egress to and from their Lot(s) comply with the restrictions shown on the recorded plat and the approved Development Plan. Extension or expansion of driveways requires AC approval. Any approved driveway expansion shall not be intended to promote the parking or storage of any vehicle off the driveway on a side yard. The AC will review requests for circular driveways on a case-by-case basis with consideration given to, but not necessarily limited to, the setback of the home from the street and the size of the lot and distance of street frontage. On corner lots, the driveways should be set back from the corner a minimum of 30 feet from the intersection of the corner street. The width of the driveway shall not exceed 24 feet at the curb.

All vehicles must be parked so as not to inhibit traffic or damage the surrounding natural landscape.

## **Ancillary Improvement Standards**

All of the following ancillary improvements require AC approval unless specifically noted otherwise:

### **Section 3.7 Air Conditioning Equipment.**

Ground level and window air conditioning units, including swamp coolers, must be installed on the main level of the home only (unless otherwise approved), located only in a side or rear yard behind privacy fencing, and must be substantially screened from adjacent properties.

### **Section 3.8 Awnings/Patio Covers/Shutters.**

Awnings, patio covers, and shutter colors must be complementary to the exterior color of the home. Patio covers must be constructed of wood or material generally complementary to the home and be similar or complementary in color. Where utilized, support posts for patio covers must be a minimum of 4"x 4" in size. Unacceptable awning treatments include thin wood lattice, metal, plastic, and untreated or striped fabric. Awnings must be maintained in like-new condition.

### **Section 3.9 Fencing.**

Interior Rear Yard Fencing: For Bent Grass Metropolitan District Nos. 1 and 2, all solid rear yard fencing shall be six (6) feet tall cedar wood fencing unless otherwise specified in the development plan. For Falcon Meadows Filing No. 1, all solid rear yard fencing shall be six (6) feet tall cedar wood fencing unless otherwise specified in the development plan. Individual lot owners are responsible for the maintenance of their lot fencing and the inside of Community walls on their Lot.

### **Section 3.10 Hot Tub/Jacuzzi.**

Installation of hot tubs and Jacuzzis require prior AC approval. They must be located in the side or rear yard area. It must be installed in such a way that it is at least partially screened from adjacent properties.

### **Section 3.11 Painting/Repainting.**

AC approval is required for all exterior painting or repainting of the home and accessory improvements, except repainting in the same colors. The submittal must contain the manufacturer's paint chips with the name and code number. Approval will take into consideration, 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. All exterior finishes should be subdued earth tones such as gray, green, brown, muted blues, or other similar colors. White, primary colors and other bright colors shall be permitted as accent colors only. Downspouts must be painted to match the body or trim color of the home.

### **Section 3.12 Play and Sports Equipment.**

All play structures and equipment, both permanent and portable, are required to be approved by the AC for design, size, and placement before installation. All play/sports equipment (i.e., trampolines, swing sets, basketball hoops and backboards, etc.) must be placed to minimize its visual impact from adjacent

properties. Play equipment should typically be located in rear yard areas and set back a minimum of ten (10) feet from property lines unless otherwise approved by the AC.

Consideration shall be given to the location of the play equipment so as not to create an undue disturbance on neighboring properties.

Any type of play set, swing set, or trampoline must be properly screened as a condition of approval to ensure that no unauthorized access is permitted. Properly screened shall be defined as within a completely fenced yard where the fencing complies with the Association's design guidelines.

Requests for free-standing, pole-mounted backboards will be considered by the AC in the front yard along the side of the driveway only or inside and rear yards areas subject to the following considerations: Proximity to the property lines, proximity to adjoining homes, landscaping, and vehicles. Portable freestanding basketball backboards are permitted but may not be stored in the street.

Basketball backboards located in front yards must be permanently mounted on a pole on the exterior side of the driveway, approximately halfway between the sidewalk and the front of the residence, with a minimum setback of five (5) feet from the property lines. Backboards may not be located along any sidewalk or street. Backboards attached to a residence are not permitted. Backboards are not permitted inside front yards. Backboards located in rear yards must be set back a minimum of 10' from property lines.

Pole supports shall be black in color (or as approved by the AC on a case-by-case basis).

### **Section 3.13 Satellite Dishes/Antennae.**

In compliance with the Telecommunications Act of 1996, one satellite dish/antennae may be installed on a residential lot subject to the following conditions:

1. Intent of installation shall be registered with the AC before installation (see the Registration form in the Appendix).
2. The satellite dish/antennae measure one meter or less in diameter.
3. To the extent feasible, the satellite dish/antennae shall be placed in the rear or side yard so that it is screened from the adjacent street(s) and neighboring properties.
4. The satellite dish/antennae shall be installed at the lowest possible placement, utilizing ground-level sitting (unless a signal is unattainable).

### **Section 3.14 Screen/Security Doors and Windows.**

AC approval is not required for the addition of screen doors, or storm windows added to a home if the material and color match or is similar to existing doors and windows on the home. The AC must approve security treatments (but not security systems) for doors and windows.

### **Section 3.15 Signs/Address Numbers.**

All 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. The AC, on a case-by-case basis, shall consider a request for the placement of one additional temporary sign due to unique circumstances. The AC must approve all other signs, including address numbers and nameplate signs. The AC, on a case-by-case basis, will consider lighted signs.

### **Section 3.16 Solar Equipment/Skylights.**

AC approval is required for the installation of all solar equipment and skylights. Solar equipment and skylights shall be incorporated onto the exterior of the home and be architecturally compatible with the home.

### **Section 3.17 Swimming Pools.**

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

### **Section 3.18 Trash Receptacles.**

Owners are to store their trash containers in the garage or secured and screened behind privacy fencing, except for the day of collection services. All containers must have attached lids and be secured to prevent them from blowing away. Recycling containers must be maintained in a likewise manner.

### **Section 3.19 Yard Ornaments.**

Yard ornaments, including but not limited to birdbaths, birdhouses, fountains, sculptures, statues, flags, and banners, require AC approval if they are over 3' x 3'. Yard ornaments must not cover over 10% of the front yard. Flagpoles shall be considered on a case-by-case basis. Owners may display American flags per the Federal Flag Code. Owners may not display more than one (1) political sign per ballot issue or office and not earlier than 45 days before and seven days after any election.

## **Architectural Standards**

### **Section 3.20 Architectural Style.**

It is the intent of these standards to create an aesthetically cohesive landscape for the Bent Grass Metropolitan District. These listed standards, implementation of standards, and review of standards are delegated to an appointed Architectural Committee. The Architectural Committee is to be appointed by the Bent Grass Metropolitan District and shall consist of at least three but no more than five individuals who are owners in the community area. The Architectural Committee can recommend design review to the Bent Grass Covenants Non-Profit, and any improvement plans in the Bent Grass Community must be submitted to the Architectural Community for approval. Each application has 30 days once submitted to be decided on by the Architectural Committee, which the committee uses the design guidelines to decide upon each application without prior decisions for precedent. If approved, the improvement plan must be commenced within six

months of the approval unless otherwise stated and must be completed within 90 days unless an extension is granted by the Architectural Committee. Once the improvement plan is completed, the Architectural Committee must be notified within five days, or a withdrawal of approval could be implemented. Throughout this process, the Architectural Committee has no liability for damages, negligence, nonfeasance, or failure to comply with community, city, county, or state regulations accrued by the owner.

### **Section 3.21 Massing.**

In reviewing the forms of a proposed building, careful scrutiny will be given to the massing, proportions, and overall scale of the building in relation to the building site. The AC will encourage designs that reduce building scale and increase individuality and diversity.

The walls of a building are an important part of its overall visual impact and should be carefully detailed. Exterior materials should be consistently used throughout the building. The connection from the walls to the foundation should be treated such that the foundation becomes a minor element. Location, type, and size of window openings should be carefully considered for effect on proportions, continuity, and illumination. Entries should be well articulated. Covered entries and recessed openings at doors and windows are strongly encouraged. Homes situated on highly exposed sites (i.e., corner lot, a double-fronted lot) may require additional architectural features on the elevations that are highly visible.

### **Section 3.22 Architectural Detailing.**

In order to add definition and break up flat planes of walls, the use of architectural elements to create shadow lines is encouraged to be incorporated into the design of the home. Architectural elements to accomplish this definition include recessed windows, deep eaves and offset wall planes, window shutters, well-proportioned porches with brackets, trellises and arbors, decks, detailed fascia, belly bands, etc.

### **Section 3.23 Exterior Materials.**

Use of bright, unfinished, colored, and reflective or mirrored surfaces or glass is not permitted. Exposed concrete foundation walls shall be minimized by grading, retaining walls, or landscaping. The maximum width of masonry or wood lap siding is nine inches (9”).

### **Section 3.24 Roof Form & Material.**

The roof form is the most prominent visual element of a home and is central to defining its architectural character. Therefore, the form and materials used to create a building's roof will be carefully reviewed by the AC. Styles such as gable, hip, and shed roofs will generally be acceptable for residential construction, while mansard, gambrel, flat and A-frame roofs are strongly discouraged. Care must be given when combining roof forms to maintain the integrity of the architectural forms. Well-detailed fascia and eaves treatment serve to frame the roof as a strong design element. Roofing materials must be considered with respect to harmony of color and texture with other materials on the home and adjacent properties.

Concrete tiles or slates and composition shingles are acceptable roofing materials.



All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc., must be carefully located and finished to complement other elements of the design. Unfinished and exposed metal detailing shall be painted. When possible, flues and vents should be located out of view of the front of the home.

### **Section 3.25 Decks.**

Decks must maintain the overall form and be a natural extension of the architecture. Deck supports must have a substantial scale that visually anchors them to the ground and should be a minimum of 4"x 4" in size.

### **Section 3.26 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 and must be an integral part of the landscape architectural design.

### **Section 3.27 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 not exceed four feet in height unless specifically approved and should be located to not alter existing drainage patterns.

The use of rock boulders, stone, and/or masonry is required.

### **Section 3.28 Vegetable Gardens.**

Vegetable gardens must be located in the rear or side areas of the home site so that both the garden and its accessory operating areas are substantially screened from view of adjacent homes and public areas.

### **Section 3.29 Landscaping.**

All portions of a Lot not improved with the Home, driveway, walkways, patios, or decks (referred to as the unimproved area of a Lot) shall be landscaped by the Owner, provided, however, that this obligation shall not apply to any Lots landscaped by Declarant, Builders, or their assignees. All landscaping shall be installed in accordance with landscaping plans submitted to and approved by the AC, which plans shall be drawn to scale and shall set forth the location of landscaping, type of landscape materials, and be in accord with the requirements of this section. The AC may impose a fee for review of homeowner changes, including modification to the landscaping plan. The front and back yards of each Lot improved with a Home shall be fully landscaped no later than six (6) months (weather permitting) after the date of conveyance from a Builder or its assignee to an Owner.

Front Yard. It is recommended that a maximum of thirty percent (30%) of the front yard of each Lot shall be landscaped utilizing "long-lived" ground cover such as bluegrass or brome fescue. Landscape rock shall be installed in the area between the sidewalk and the streets. At least one (1) tree, which may be a 1 ½-inch caliper deciduous tree or an evergreen tree of at least six (6) feet in height, must be planted in the front yard. The front yard must contain a minimum total of six 5-gallon size shrubs and six 1-gallon size grasses.

The front yard of each Lot is defined as that area between the Street and a line extending from the front corners of the Home to each side Lot line. The landscaping plan shall include an adequate underground sprinkler system, which shall be installed at the time of initial landscaping.

**Back Yard.** The backyard of each Lot shall be landscaped with turf, landscape rock, or utilize “long-lived” ground cover such as bluegrass or brome fescue or AC -approved artificial turf. Those lots that are ½ acre and larger may have natural grass in lieu of artificial turf with a minimum of 5,000 square feet of said grass.

The quantity of rear yard bushes, ornamental grasses, or perennials is at the discretion of the builder or homeowner.

The Metro District and/or the AC, if it is elected, has the right to enforce the landscape requirements and may fine the Owner an amount set by the Metro District or AC who fails to comply after thirty (30) days written notice that they are in violation of the landscape requirements. Owners may ask for a weather exemption to last no more than six months if the time of year, such as winter, would not be appropriate for planting.

### **Section 3.30 Landscape Maintenance.**

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal, and replacement of dead or dying plant material, elimination of weeds and undesirable grasses, and removal of trash.

## **Miscellaneous Other Restrictions**

### **Section 3.31 Concrete Equipment.**

Concrete equipment cleaning or dumping shall be prohibited, except where provided (See Sect. 4.11)

### **Section 3.32 Subdividing of Lots.**

No lot may be subdivided into two or more lots.

### **Section 3.33 Maintenance Equipment.**

All maintenance equipment shall be stored in an enclosed structure or otherwise adequately screened so as not to be visible from neighboring properties or adjoining streets.

### **Section 3.34 Structure Encroachments.**

Encroachment of structures or any other item onto a District Property will not be allowed.

### **Section 3.35 Encroachments.**

Encroachment onto District Properties will not be allowed.

ARTICLE IV  
CONSTRUCTION PERIOD REGULATIONS

**In the interest of all Builders and Owners**, the following regulations shall be enforced during the construction period. These regulations shall be a part of the construction documents contract for each residence, and all Builders and Owners shall abide by these regulations.

**Section 4.1 OSHA.**

All applicable OSHA regulations and guidelines must be strictly observed at all times.

**Section 4.2 Construction Hours.**

Construction hours shall be between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

**Section 4.3 Construction Access.**

Declarant or the AC may designate specific access points for exclusive and limited use by construction vehicles.

**Section 4.4 Excavation.**

Excess excavation material shall be removed from the property and shall not be placed in common areas or on roads. Excavation, except for utility trenching, shall be on the Owner's home site only. Contractors are prohibited from spreading excess debris or material over the remainder of the home site, roadway, other property, or any other home site without approval. Extreme care shall be taken by Builders and Owners to protect and preserve existing vegetation and other natural features on their lots.

**Section 4.5 Debris and Trash Removal.**

Regular cleanup of the construction home site is mandatory. All trash and debris shall be stored in a commercial trash container and shall be removed from the trash disposal area on a weekly basis or when full. All soil and debris flowing into the street(s) or open spaces from the construction home site shall be cleaned as needed. All trash must be disposed of off the home site on a weekly basis. A fine may be imposed by the AC for noncompliance with these requirements.

**Section 4.6 Vehicles and Parking.**

All vehicles must be parked so as not to inhibit traffic or damage the surrounding natural landscape. Construction worker vehicles and/or equipment shall not be left on community roads overnight. The AC may designate, at the time of plan review or during construction, specific areas for parking construction workers' vehicles and/or equipment.

#### **Section 4.7 Pets on Construction Sites.**

Contractors, subcontractors, and employees are prohibited from bringing dogs and other pets to the construction site.

#### **Section 4.8 Blasting.**

If any blasting occurs, the contractor shall be responsible for informing all residents in the proximity of the blasting home site.

#### **Section 4.9 Restoration and Repair.**

Damage to any property other than the Lot Owner's shall be promptly repaired at the expense of the person or entity causing the damage.

#### **Section 4.10 Dust, Noise, and Odor.**

Every effort shall be made to control dust, noise (including the personal use of radios, CDs, and tape players), and odor emitted from a construction area. The contractor will be responsible for watering, screening, or oiling dust problem areas and controlling noise and offensive odors from the home site.

#### **Section 4.11 Prohibited Uses and Activities.**

The following items are prohibited in this community:

1. Concrete equipment cleaning or concrete dumping shall be confined to the home site and shall be removed prior to completion of the home or a designated washout area.
2. Removing any rocks, trees, plants, or topsoil from any portion of the property.
3. Careless use of cigarettes or flammable items.
4. Driving across any open space or non-designated construction areas.



# Bent Grass Architectural Submission/ Application Form

Homeowner (applicant): \_\_\_\_\_ Account #: \_\_\_\_\_

Property Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Tenant/ Renter (if applicable): \_\_\_\_\_

Other Homeowner (if applicable): \_\_\_\_\_

### Homeowner Contact Information:

Day Time Phone: \_\_\_\_\_ Nighttime Phone: \_\_\_\_\_

Mailing Address (if different than property address): \_\_\_\_\_

State: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Email address: \_\_\_\_\_

### Tenant Contact Information (if applicable):

Day Time Phone: \_\_\_\_\_ NightTime Phone: \_\_\_\_\_

Email address: \_\_\_\_\_

### Contractor Information (if applicable):

Contractor Name/ Company: \_\_\_\_\_

Contractor Phone: \_\_\_\_\_ Contractor Email: \_\_\_\_\_

Project Start Date: \_\_\_ / \_\_\_ / \_\_\_ Project End Date: \_\_\_ / \_\_\_ / \_\_\_

### Modification or Addition Requesting (check all that apply):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Detached Structure/<br>Building | <input type="checkbox"/> Fence          | <input type="checkbox"/> New Construction                            |
| <input type="checkbox"/> Paint                           | <input type="checkbox"/> Play Equipment | <input type="checkbox"/> Retaining Wall                              |
| <input type="checkbox"/> Satellite Dish                  | <input type="checkbox"/> Solar Panels   | <input type="checkbox"/> Exterior Modification Patio/ Arbor/<br>Deck |
| <input type="checkbox"/> Landscaping                     | <input type="checkbox"/> Ornamentation  |  |
| <input type="checkbox"/> Pool/ Spa                       | <input type="checkbox"/> Shed           |  |

### Legal Description of Modification:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Make sure you have attached/ included all of the following information:

- A completed Submission Form (including **signature below the Owner Acknowledgement notice on next page**)
- A description of the project, including; height, width, depth, materials, colors, etc.
- A complete materials list of the project, including; paint samples and/or stain color

- A picture or drawing of the intended/ existing project (sketches, clippings, catalog illustrations, and other data or links to websites)
- A site plan showing the location of the house along with any other structures on your lot and the proposed structure (including dimensions from the property line or other structures)

**Please send your request to:**

**Bent Grass Metropolitan District**

C/o WSDM, LLC  
 614 North Tejon St  
 Colorado Springs, CO 80903

**Phone:** (719) 447-1777

**Website:** <http://bentgrassmd.colorado.gov/>

**Email:** adam.n@wsdistricts.co

**\*\*For Office/ Committee Use Only:**

Date submission received: \_\_\_/\_\_\_/\_\_\_

Committee Approval/ Denial Date: \_\_\_/\_\_\_/\_\_\_

APPROVED

APPROVED W/  
STIPULATIONS

DENIED

DENIED – INSUFFICIENT

INFORMATION

Stipulations/ Comments/ Suggestions:

Authorized By:

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**Owners Acknowledgements:**

I understand:

- That no work on this request shall commence until I have received approval from the Architectural Committee (AC)
- Any construction or alteration to the subject property prior to the approval of the Architectural Committee is strictly prohibited. If I have commenced or completed any construction or alteration to the subject property and any part of this application is disapproved, I may be required to return the subject property to its original condition at MY OWN EXPENSE. If I refuse to do so and the District incurs any legal fees related to my construction and/or application, I will reimburse the District for all such legal expenses incurred.
- That any approval is contingent upon construction or alterations being completed in a neat and orderly manner
- That there are architectural requirements covered by the Covenants and a board review process as established by the Board of Directors
- All proposed improvements to the property must comply with city, county, state, and local codes. I understand that applications for all required building permits are my responsibility. Nothing herein shall be construed as a waiver of modification of any codes. My signature indicates that these standards are met to the best of my knowledge.
- That any variation from the original application must be resubmitted for approval
- That if approved, said alteration must be maintained per the Declaration of Covenants, Conditions, and Restrictions for the Bent Grass Community.
- This alteration will not detrimentally affect the proper drainage of any common areas or surrounding lots. I will be responsible at my expense to correct any drainage problems in such areas that may occur because of this work or alteration.

- *The Builder/Applicant acknowledges and agrees that the Committee and District assume no liability resulting from the approval or disapproval of any plans submitted. The Committee and the District assume no liability and make no representations regarding the adequacy or quality of any submitted plans or whether such plans comply with any or all governing authority requirements. The Committee's review, comments, and/or approvals do not relieve the Builder/Applicant of their responsibility and obligation to comply with the Master Declaration, Master Design Guidelines, or Subdivision Guidelines as applicable. The Builder/Applicant agrees to grant the District access to the property at any reasonable hour to inspect for compliance issues.*
- *It is the duty of the owner and the contractor employed by the owner to determine that the proposed improvement is structurally, mechanically, and otherwise safe and that it is designed and constructed in compliance with applicable building codes, fire codes, other laws or regulations, and sound practices. Your District, the AC, and any employee or member thereof shall not be liable for damages or otherwise because of the approval or non-approval of any improvement.*

I certify that the above information is an accurate representation of the proposed improvements and that the work will conform to applicable codes, covenants, and standards. I also certify that the improvements will be completed in accordance with the approved application. I understand that construction is not to begin until approval has been received from the Architectural Committee. The Architectural Committee has permission to enter the property to make inspections as they deem necessary.

**Owner/Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_/\_\_\_/\_\_\_  
**Co-Owner/Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_/\_\_\_/\_\_\_

**Informational Addendum:**

REVIEW PROCESS – Your District's governing documents stipulate the amount of time the AC may take to render a decision. However, the AC will make every reasonable effort to expedite the review process. Applications will be reviewed during the timeframe for completeness, and the AC may request additional information to help clarify your proposal.

APPLICATION – The application must be accompanied with necessary documents, photos, drawings, brochures, and information necessary to present to the AC. Property owners must sign the application. Contractor’s signatures for property owners will not be accepted. Modifications are not permitted to commence until the modification has been reviewed and approved by the AC.

NOTIFICATION - All owners will be notified in writing by mail (USPS) once the request has been approved or denied.

APPEALS – If your District allows appeals of an AC decision, requests must be based on the District documents and timeframes stated by the documents.

**LANDSCAPE PLAN CHECKLIST:**

- \_\_\_\_\_ **Landscape Plan at 1'=20' or 1'=30' scale**
- \_\_\_\_\_ Lot lines, setbacks, easements, no-build areas
- \_\_\_\_\_ Building location, driveway, walks, patios, decks, stairs
- \_\_\_\_\_ Lawn or turf (type and location)
- \_\_\_\_\_ Proposed trees (types, sizes, and locations)
- \_\_\_\_\_ Proposed shrubs and live groundcover (types, sizes, quantity, and locations)
- \_\_\_\_\_ Mulch (type, size, and location)
- \_\_\_\_\_ Retaining walls (height, material, and location)
- \_\_\_\_\_ Berms or any other grade alterations

**ANCILLARY IMPROVEMENTS CHECKLIST:**

- \_\_\_\_\_ Privacy fencing (height, material, and location)
- \_\_\_\_\_ Dog run / Doghouse (size, materials, and location)
- \_\_\_\_\_ Play equipment (type, material, color, and location)
- \_\_\_\_\_ Sports equipment (type and location)
- \_\_\_\_\_ Accessory Structures – gazebo, storage shed, hot tub, etc. (elevation, size, and location)
- \_\_\_\_\_ Exterior lighting (type, size, and location)
- \_\_\_\_\_ Other (specify)



## **Section 5.1 – Establishment of Fines, Penalties, and Charges**

To facilitate compliance with the Declaration and these Design Guidelines, the AC establishes the following list of Fines, Penalties, and Charges that they may apply and collect on Owners who are in violation of the Declaration and Design Guidelines:

1st Notice of Violation (Courtesy Notice): Written notice to the Owner giving the nature of the alleged violation and request for compliance within thirty (30) days.

2nd Notice of Violation (First Fine): Written notice to the Owner that the alleged violation has not been corrected, the imposition of a fine of \$50, and request for compliance within thirty (30) days.

3rd Notice of Violation (Second Fine): Written notice to the Owner that the alleged violation has not been corrected, the imposition of a fine of \$75, and request for compliance within thirty (30) days.

4th Notice of Violation (Third Fine): Written notice to the Owner that the alleged violation has not been corrected, the imposition of a fine of \$100, and request for compliance within thirty (30) days.

5th Notice of Violation (Continuous Monthly Fine): Written notice to the Owner that the alleged violation has not been corrected, the imposition of a fine of \$100/month, and request for compliance within thirty (30) days.

## **Section 5.2 – Update and Publication**

The Ac may, from time-to-time update, modify, change, add to, or eliminate this list and will publish and advertise this list for general distribution to all Owners.