

LANDSCAPE AND DESIGN GUIDELINES FOR SUNDANCE HOA

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INTRODUCTION

Purpose of These Guidelines.

These Landscape and Design Guidelines (“Guidelines”) have been adopted and implemented to protect the investment of the HOA Members, to enhance the value of the Lots subject to landscape and design regulation under the Declaration and other Governing Documents, and to comply with Colorado law.

This document is designed for homeowners who are considering making improvements to the exterior of their home or to their yard. The Architectural Control Committee’s (ARC) purpose is to monitor aesthetics to enhance property values. The format enables revisions to be inserted from time to time as the Association and the ARC deem necessary. Also included are covenant issues to be observed, followed and respected by anyone residing in Homeowners Association (HOA). This applies to renters as well as homeowners.

Architectural Control Committee approval of submitted plans is only verification that the proposed modifications and/or improvements meet the Committee requirements. The Guidelines do not supersede applicable federal, Colorado, or local codes or ordinances. In the event of a conflict between this document and the Declaration, the Articles of Incorporation, or the Bylaws, those other documents will control.

No Liability for Committee Action.

Pursuant to Section 7.14 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sundance Filing No 1, the ARC shall not “bear any responsibility for the design, quality, structural integrity or soundness of approved construction or modifications, nor for compliance with building codes, zoning regulations, and other governmental requirements.”

Additionally, there shall be no liability imposed on the ARC, its members, agents, successors or assigns for any loss, damage or injury arising out of, or in any way connected with the performance of the duties of the ARC. In reviewing any matter, the ARC does not guarantee a right of privacy or a right to a view and shall not be responsible for review, inspection or approval based on engineering plans or standards, or safety, whether structural or otherwise, or conformance with building codes, plats or other governmental laws or regulations, nor shall its approval of an improvement be deemed approval of such matters. Every Owner or other person who submits plans to the ARC for approval agrees, by submission of such plans, that they will not bring action or suit against the ARC or its individual members to recover damages.

Owner and Builder Review of these Guidelines.

Owners and builders are encouraged to review these Guidelines to better understand the relationship of each Lot or property to the architectural and design goals of the Community.

SPECIFIC STANDARDS AND GUIDELINES

Accessory Buildings.

The original Planned Urban Development (PUD) for the neighborhood requires a minimum ratio of open space to building coverage in the neighborhood. In order to exceed this ratio, a City of Boulder building permit called a "minor modification review" is also needed. This permitting process involves a site review of our sub-division to ensure there is appropriate open space and can cost up to \$1000 for the application. This review must be completed before a City of Boulder building/construction permit can be acquired. If you submit a request for an exterior structure or shed, then the ARC can only provide a "conditional approval" contingent on the minor modification review and the City of Boulder building / construction permits. ARC Approval will be based upon, but not be limited to, the following criteria:

- a) Must be of the same architectural style and materials as that of the residence, or the style and materials must be generally recognized as complementary.
- b) Requests for approval will be reviewed on a case-by-case basis, taking into consideration the lot size and proposed location of shed or accessory building.
- c) Any utilities to the accessory building shall be underground.
- d) Should not obstruct adjacent neighbor's views or open areas.

Additions and Expansions.

ARC approval is always required. Proposals for additions or expansions to the home shall be accompanied by detailed plans, specifications, and a completed Sundance ARC Request form. Materials should match the existing residence. A building permit from the City or County may be required.

Air Conditioning Equipment and Evaporative Coolers.

ARC approval is required to ensure proper placement only. Window units installed at street level must be located in a side or rear window and must be concealed from adjacent properties. Installation of air conditioning equipment above street level will not be permitted. No rooftop installations of air conditioning or evaporative coolers are allowed.

Decks.

Extensions or additions to existing decks require ARC approval. Refinishing and routine maintenance does not require approval provided the style remains largely the same.

- a) The material and color should be generally complementary to that of the residence.
- b) The deck must be installed as an integral part of the residence.
- c) Construction shall not occur over easements and must be set back at least 3 feet from the property line.

Fences.

As stated in Section 5.5b of the Declarations, fence maintenance and repair is the proportionally shared responsibility of adjacent owners, and, in the case of an adjacent Common Area lot, also the Association. Fences should adhere to the following guidelines.

- a) Fences shall be constructed of exterior grade wood or similar composite materials. Chain link, woven wire, barbed wire, roll wire, stockage, and basket weave fencing is not permitted.
- b) Fences shall not be more than 6 feet tall.
- c) The style of fences between private lots should be consistent with nearby fences.
- d) Fences between lots may be removed if desired, subject to the prior approval of the ARC.

- e) Fences may not obscure the front entry of the residence as seen from the principal arrival corridor from the street.

Exterior Lighting.

ARC approval is required to change or add exterior lighting. Lighting must comply with local ordinances. When installing outside lights, considerations may include characteristics such as the visibility, style, and location of the fixture. Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cause glare to other homeowners. Security lighting must also comply with the shielding requirement and be connected to a timed motion detector. Harsh interior light such as that created by lighted skylights or garage fluorescent lights when the garage has windows is prohibited due to its effect on the dark sky. No outside lights are permitted to have more than a 30 watt bulb. Lighting shall otherwise not be obnoxious or unreasonably offensive to others.

Painting.

Repainting to the original color does not require ARC approval. ARC approval is required only for a change of color of exterior painting. The submittal must contain the manufacturer's paint chips with name and code number.

Approval will take into consideration characteristics including but not be limited to the sheen of paint, the home's architecture, stone or brick accents, roofing color, and color of neighboring properties. Color changes apply not only to the house siding but also to the doors, trim, roofing, and other appurtenant structures. It is suggested to select paint colors that:

- a) match the character of the neighborhood and adjacent properties,
- b) have neutral or otherwise low-saturation tones, including those found in the native landscape

Exterior paint should be maintained as needed and reapplied when it starts to peel or bubble to protect the siding.

Recreational and Play and Equipment.

ARC approval is not required for equipment such as mobile basketball hoops and small swing sets as long as it is not permanent, is kept within the residence's backyard, and is allowed under covenant guidelines. The ARC reserves the right to enforce removal of equipment if such equipment does not comply with guidelines.

Permanent or large play structures, trampolines, swing sets, slides or other such equipment is allowed when the application is made in advance with the ARC. Approval for such equipment may be granted when it is proposed to be placed within the enclosed, private rear yard areas and is limited in height to eight feet or less.

Outdoor Fire Pits and Grills.

No open burning is allowed within the City of Boulder limits. Exceptions include small propane, charcoal, and electric grills. See the City of Boulder "Open Burning Regulations" for details.

Windows.

The replacement or addition of windows is considered an exterior improvement as it affects the exterior appearance, and ARC approval is required. The submittal shall include a catalog cut (or sketch) of each new unit, a photograph or photographs of the house clearly showing the units to be replaced, color chips, and brand names for paint to be used on the exterior of new window(s) and trim. In selecting replacement window units, please adhere to the following guidelines:

- a) All window units shall conform to the architectural style of the house.
- b) All windows in a single elevation (e.g. front, rear, side) shall be consistent.
- c) Mirrored or mirrored tinted glass is not permitted.
- d) Trim on all windows shall be consistent in color.

Landscaping and Maintenance.

These guidelines seek to clarify requirements outlined in Section 8.8 and 6.1c of the Declarations. In general, landscaping should be designed and maintained to enhance the aesthetics and value of the Residence, as well as the larger Community when applicable.

Gardens and Lawns.

- a) Xeriscaping is expressly allowed. Shrubs and grasses well adapted to the dry climate require less watering and complement the natural landscape. Where possible, use of species native to Colorado is encouraged.
- b) The excessive use of rocks, pavement, or other artificial ground cover is discouraged.
- c) The land shall also be allowed to revert to its natural biome, provided it remains free of noxious weeds and unsightly plants that tend to thrive in disturbed soil, as described in the Maintenance section.

Senate Bill 183 addresses the severe drought conditions in Colorado and ensures that HOAs do not needlessly require homeowners to maintain water-dependent landscaping. The bill specifically prohibits:

- a) restrictive covenants that forbid or limit xeriscaping
- b) requirements that homeowners use turf grass in landscaping, and
- c) requirements that homeowners water their landscaping in violation of water use restrictions

Maintenance.

- a) In the landscaping of home and other development sites, it is urged that plant materials, irrigation systems and maintenance practices be utilized which conserve water.
- b) The use of chemical pesticides and herbicides should be limited to the greatest extent possible, and natural alternatives should be considered instead if applicable.
- c) Landscaping should be kept free of List A and B noxious weeds, as given in the [Boulder County Noxious Weed Management Plan](#).
- d) Weeding should be performed as needed to remove unsightly plants taller than 6 inches.
- e) Lawns should be mowed regularly to keep grass between 2 and 6 inches or as recommended for the specific species

Trees

- a) When new trees are planted, the height and span of the species should be taken into account to avoid excessive encroachment on or potential for damage to adjacent lots.

- b) In general, the maximum anticipated height of newly planted trees should be limited to 40 feet.
- c) Dead trees need to be removed within a reasonable time frame. Removal of dead trees does not need ARC approval.