

# The Brown Ranch Community Design Guidelines, Rules and Regulations

## Version Control:

Version	Author	Approved By	Date of Board Approval	Changes
1.1	J Moir	J Moir	2/1/2002	Original
2.1	J Moir	BR Adv Com	2/27/2020	Major Update
2.2	J Moir	BR Adv Com	10/10/2020	Minor Clarifications

## Article I. Introduction

**1.1 General.** These Design Guidelines, Rules and Regulations for Brown Ranch give direction to Builders and Owners in preparing plans that will implement sensitive and conservative land use practices, promote design excellence, and make improvements that enhance the appearance of this high quality community. It is possible that different portions of the Brown Ranch community will be governed by different design guidelines administered by different Design Review Boards. In order to evaluate aesthetic benefits to the neighborhood, all proposed Improvements will be evaluated by the Design Reviewer using these Design Guidelines and the other factors described in the Community Charter and may not be commenced without approval of the Design Reviewer. The definition of all terms used in these Design Guidelines are references in Article VI.

**1.2 Brown Ranch Service Areas.** The Brown Ranch Community Association is made up of various Service Areas where Lots share Limited Common Areas and /or receive special benefits or services from the Association that it does not provide to all Lots within Brown Ranch. These include the following and may be added to as Brown Ranch continues to expand:

**1.2.1 Cottonwood Pointe Neighborhood:** A 40 acre area which encompasses 40 lots, open space, pond, detention pond and walking paths and is also known as Brown Ranch PD 1. This service area receives pressurized irrigation water that is provided by the Association and requires a minimum of 2,500 sq. ft. homes.

**1.2.2 Forest Park Neighborhood:** This area is comprised of Brown Ranch Filings #2, #3 & #5 and includes nearly 60 lots. The area requires a minimum of 2,000 sq. ft. homes and includes both developed and undeveloped open spaces and walking paths.

**1.2.3 Creekside Neighborhood:** This consists of a 25 acre area which encompasses 25 lots, open space, detention ponds and is also known as Brown Ranch Filing #4. This service area receives pressurized irrigation water that is provided by the Association and requires a minimum of 2,500 sq. ft. homes.

**1.2.4 The Meadows Neighborhood:** This area is comprised of Brown Ranch Filing #6, and includes 29 lots. The area requires a minimum of 1,650 sq. ft. homes and includes both developed and undeveloped open spaces. This neighborhood also provides for snow removal,

lawn and shrub maintenance, and irrigation to each of the lots.

### **1.3 Administration of the Design Guidelines.**

**1.3.1 General.** It is the responsibility of the Design Reviewer to enforce these Design Guidelines, to confirm that all proposed Improvements meet or exceed the requirements of these Design Guidelines and to promote high quality design for the community. The Design Reviewer will determine whether the Builder and Owner have met these standards. Specific duties and powers of the Design Reviewer are set forth in the Community Charter.

**1.3.2 Approval; Variances.** Approval of any proposed plans is within the sole discretion of the Design Reviewer. The Design Reviewer has the authority to grant variances from compliance with any of the provisions of these Design Guidelines when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require them. A variance requires Declarant's written consent during the Development and Sale Period. In taking any action with respect to a proposed Improvement, Declarant and its designee act solely in Declarant's interest and owe no duty to any other Person or the Association.

**1.3.3 Revisions to Design Guidelines.** During the Development and Sale Period, Declarant has the right to revise these Design Guidelines from time to time. After the Development and Sale Period, the Design Review Board (with consent of the Board of Directors) has the right to revise these Design Guidelines from time to time as changing conditions and priorities dictate.

**1.3.4 Deposits and Fees.** The Association has established a \$500.00 fee/deposit in order to enforce the Construction Regulations (See Article IV Construction Regulations), which fees shall be paid to Brown Ranch Community Association at the time the request for approval is submitted. The first \$100.00 of this amount will go directly into a trash pickup fee in order to cover cleanup of the neighborhood necessitated by the trash generated by the construction activity. The remaining \$400.00 (Deposit) will be returned to the applicant after any fines (See Section 4.14 Fines for Violations of the Construction Regulations) have been deducted and once the landscaping and final cleanup has been completed and inspected by the Design Reviewer. Furthermore, the Design Reviewer may establish and charge processing and review fees for considering any requests for approvals submitted to it, which fees shall be paid at the time the request for approval is submitted.

## **Article II. Design Review Procedures**

**2.1 General.** 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 Brown Ranch. All construction that is to be undertaken in this community, with the exception of improvements made by the Declarant, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements and other improvements as described in Article 9 of the Community Charter, including but not limited to, walks, driveways, drainage, fencing, lighting, statuary, landscape planting or other exterior improvements is subject to review under these Design Guidelines. Unless otherwise specifically stated herein, drawings or plans for a proposed improvement must be submitted to the Design Reviewer and the written approval of the Design Reviewer obtained before the improvements are made. No prior approval of the Design Reviewer is necessary to repaint the exterior of an existing structure using the color scheme for such structure most recently approved by the Design Reviewer or to rebuild or restore any damaged structure in a manner consistent with the plans and specifications most recently approved for such structure by the Design Reviewer. In addition, no approval is required for work done to the interior of a structure, except that window coverings visible from outside of the structure and modifications to the interior of screened porches, patios and any other portions of a structure that are visible from outside of the structure do require prior written approval of the Design Reviewer. During the Development and Sale Period, decisions of the Design Review Board are subject to veto by the Declarant.

### **2.2 Submission of Drawings and Plans.**

**2.2.1 Architectural Plan Review.** For new building construction or other Improvements other than new landscaping or changes to existing landscaping, grading, excavation and filling or similar disturbance to the surface of the land, clearing or removal of trees, shrubs, grass or plants, basketball hoops, skateboard ramps, the Builder or Owner shall submit to the Design Reviewer two sets of construction documents (which the Design Reviewer may also require to be submitted in a prescribed electronic format) to include the following:

1. Two sets of Architectural Plans for each Model Plan, at a scale of 1/4" = 1'-0", including:
  - A. Architectural elevations (front, sides and rear), indicating typical proposed grade lines, finish floor elevations, top of slab elevations and building height calculations.
  - 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.
  - E. Exterior details, including items such as chimneys, exterior stairs and decks, railings, and deck supports.
  - F. Any other proposed improvements (i.e. decks, awnings, hot tubs, etc.).
2. Site Plan for each Lot, at a scale of 1" = 10'-0" including:

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- A. Lot lines and dimensions, building setbacks, street right-of-way, curb lines and easements.
  - B. Proposed drainage from all portions of the lot. All drainage from the structure shall remain on the lot until it drains onto the street. Drainage arrows shall display the direction of runoff.
  - C. Walks, driveways, decks, accessory structures, fencing, retaining walls.
3. Exterior colors, materials and finishing, including:
- A. Samples of all finished exterior materials and colors, including window trim specifications. In addition, a typed schedule of samples, or specifications of exterior materials and colors must be included.
  - B. Specifications or catalog sheets or web links to material specification pages for exterior lighting
  - C. A list of web site addresses where samples can be found can be submitted in lieu of actual physical sample boards.
4. Revised architectural elevations, as necessary, showing changes to proposed grade lines, walls, windows, chimneys, decks, etc. due to unanticipated site specific grading conditions.

**2.2.2 Landscape Plan and Other Site Improvements Review.** Approval shall be obtained prior to installation of any landscaping or any other site improvements including, but not limited to, dog runs, play equipment, fencing, site lighting, flag poles, shade structures, gazebos, patios, etc. (See **Section 3.4 Other Site Improvements**). In most cases, the materials to be submitted will not have to be professionally prepared by an architect, landscape architect, or draftsman, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the Design Reviewer. The following guidelines should be utilized in preparing drawings or plans:

1. The drawing or plan should be done at a scale of 1"= 10'-0" (or 1"=20'-0", at the discretion of the Design Reviewer) 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 existing improvements include driveways, walkways, decks, trees, shrubs, etc.
2. All proposed plant locations, types, quantities and sizes, and location of turf and other ground cover materials should be shown on the plan and labeled. The plan should exhibit grading and layout of all additional landscape improvements such as berms, walks and structures not covered under the approved Architectural Plan Review.
3. Plans for any other site improvements, such as play/sports equipment, dog runs, hot tubs, trellises, retaining walls, fencing, lighting, gazebos, shade structures, flag poles, 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, retaining walls, fencing, etc.), an elevation drawn

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to scale of the proposed improvement is required. For substantial structural improvements, at the discretion of the Design Reviewer, any of the submissions described in Section 2.2.1 may be required, including Architectural Plans, a Site Plan with the detail described in Section 2.2.1, and/or information regarding exterior colors, materials and finishing. The Design Reviewer may require such submissions to be made in a prescribed electronic format.

**2.2.3 Revisions and Additions to Approved Plans.** Any revisions and/or additions to the approved Architectural or Landscape Plans made by either the Builder, Owner, or as required by any governmental agency, must be re-submitted for approval by the Design Reviewer. The revised plans must follow the requirements outlined in Sections 2.2.1 or 2.2.2 above.

**2.3 Variances to the Design Guidelines.** The Design Reviewer will consider variances to these Guidelines under the following:

1. Applicant will complete the Design Review Application.
2. Under the Note section, Applicant will provide the reasons for the variance.
3. Applicant will provide letters from neighbors within two (2) properties in all directions regarding the Variance
4. The Application will proceed through the design review process.

**2.4 Action by Design Reviewer.** The Design Reviewer will communicate regularly with the Design Review Advisory Board to review all plans submitted for approval. The Design Reviewer will review all plans submitted for approval and may require submission of additional material and postpone action until all required materials have been submitted. The Design Reviewer will contact the Applicant, in writing, by email or by phone, if the Design Reviewer feels additional materials are necessary or if it needs additional information. The Design Reviewer will act on the plans within 30 days after receipt of all materials required by the Design Reviewer (unless the time is extended by mutual agreement). A written response of the decision of the Design Reviewer will be sent by mail or email within five (5) days of the Design Reviewer decision. The Design Reviewer may extend the time frame up to an additional twenty (20) days upon notification to the Applicant. The Design Reviewer will not return submittal plans but may return material samples at its sole discretion.

**2.5 Timing of Design Review Decisions.** The Design Reviewer shall make a determination on each application after receipt of a completed application with all required information. The Design Reviewer may permit or require that an application be submitted or considered in stages, in which case a final decision shall not be required until after the final, required submission. The Design Reviewer may: (i) approve the application with or without conditions; (ii) approve a portion of the application and disapprove other portions; or (iii) disapprove the application. As part of any approval, the Design Reviewer may require that construction commence within a specified time period. The Design Reviewer shall notify the Applicant in writing of the final determination on any application no later than thirty (30) days after its receipt of a completed application and all required submissions; however, with respect to any determination of the

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Design Review Board that is subject to Declarant's veto right, the Design Reviewer shall notify the Applicant of the final determination within a total of fifty (50) days after its receipt of the completed application and all required submissions. If the Design Reviewer disapproves an application, it shall inform the Applicant in writing the reasons for such disapproval.

**2.6 Failure of Design Reviewer to Act on Application.** If the Design Reviewer fails to respond to an application within the applicable time period provided in Section 2.5, approval shall be deemed to be pending final approval by the Design Review Board. However, no approval, whether expressly granted or deemed granted, shall be inconsistent with a specific objective provision of the Design Guidelines (such as, without limitation, a height restriction or a building setback) unless a written variance has been granted by the Design Reviewer.

**2.7 Review of Work in Progress and/or Completion of Work.** The Design Reviewer may review all work in progress and/or at the completion of work to the extent required to ensure that the construction or work complies with any and all approved plans and construction procedures. Absence of such reviews or notification during the construction period does not constitute either approval by the Design Reviewer of work in progress or compliance with these Design Guidelines or the Community Charter. The Design Reviewer may withdraw approval of any Improvement and require all activity at such Improvement to be stopped, if deviations from the approved plan or approved construction practices are not corrected or reconciled within thirty (30) days after receipt by the Builder or Owner of written notification specifying such deviations. Any Design Reviewer visits are in addition to standard inspections required by other jurisdictions throughout the construction process.

**2.8 Notice of Completion.** Upon completion of an Improvement, the Applicant shall give written notice of completion to the Design Reviewer. Until the date of receipt of such a notice of completion, the Design Reviewer shall not be deemed to have notice of completion of such Improvement, whether or not the Design Reviewer or its designated representatives have made inspections of the Improvement.

**2.9 Enforcement.** As provided in the Community Charter, the Design Reviewer shall have primary authority to enforce the provisions of these Design Guidelines and the Declarant and the Association also have authority to enforce the provisions of these Design Guidelines. If an Owner fails to perform or observe any covenant, condition, or requirement imposed by the Design Reviewer or these Design Guidelines, the Design Reviewer (or Declarant or the Association) may enforce these Design Guidelines pursuant to the remedies set forth in the Community Charter. Those remedies include, but are not limited to: (a) the right to revoke any approval previously granted and to require any development, improvement, alteration, landscaping or other activity covered by the approval to cease immediately; and (b) the right to remedy the violation and recover the cost of doing so from such Owner.

**2.10 Certification of Accuracy.** The Design Reviewer, at 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 Design Reviewer in the final approved plans.

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2. The building foundation elevation is as approved (+3" tolerance) by the Design Reviewer in the final approved plans.

The certificate must be in the form of an improvement survey showing dimensions of foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of top of foundation walls. Points at which elevations are taken must be clearly identified and correlate with location of top of foundation as shown on the final approved plans.

**2.11 Decision of Design Reviewer is Final.** The decisions of the Design Reviewer shall be final, conclusive and binding on all interested parties, and shall not be subject to appeal to the Board of Directors or to judicial review, so long as they are made in good faith and in accordance with the procedures required by the Association Documents and, if the decision was made by a Design Review Board, the rules and regulations of such Design Review Board.

**2.12 Effect of Governmental and Other Regulations.** Approval of plans by the Design Reviewer shall not be deemed to constitute compliance with the requirements of any local zoning, safety, health or fire codes or other governmental requirements, and shall be the responsibility of the Builder or Owner or duly authorized representative submitting plans to assure such compliance. Nor shall approval constitute a variance from or waiver of any requirements on the part of the Builder or Owner or his representative to comply with setbacks, height restrictions, or other requirements unless a variance is specifically requested at the time of submittal and the variance is granted by the Design Reviewer. A variance granted by the Design Reviewer does not waive compliance with any governmental requirements.

**2.13 Period of Plan Validation.** Final approval of plans is valid for twelve (12) months unless otherwise agreed to by the Design Reviewer and the Builder or Owner in writing. Construction must begin within this period. If not, plans must be re-submitted for review by the Design Reviewer. A submittal proposing a different dwelling for the same home site requires resubmittal of plans following the requirements as outlined in Section 2.2.1 above.

## Article III. Design Guidelines

### 3.1 General.

**3.1.1 Introduction.** Compliance with these guidelines will help preserve the inherent architectural and aesthetic quality of Brown Ranch Community. It is important that the improvements to property be made in harmony with, and not detrimental to, the rest of the community. A spirit of cooperation with the Design Reviewer and neighbors will go far in creating an optimum environment which will benefit all Owners. By following these Design Guidelines and obtaining approvals for improvements to property from the Design Reviewer, Builders and Owners will be protecting their financial investment and will help ensure that their improvements to property are compatible with the standards established for Brown Ranch Community.

**3.1.2 Utility Easements.** Easements are located throughout the subdivision for installation and maintenance of utilities and drainage facilities. No grading, structures, plantings or other materials that may damage or interfere with utilities or drainage shall be permitted within easements. If any Owner or Builder damages any landscaping located in any easement, such Owner or Builder shall, solely at its cost and expense, re-vegetate the area disturbed. Such re-vegetation requires the review and prior approval of the Design Reviewer.

### 3.2 Site Development Standards

**3.2.1 Building Setbacks.** Building setbacks shall comply with applicable City of Montrose requirements as well as any other site-specific restrictions, such as drainage and utility easements. No structure, either permanent or temporary, shall be erected within the building setbacks. Any variances to the setbacks can be granted only by the City of Montrose and/or the Design Reviewer. The following are minimum building setbacks (all setbacks are to be measured from property boundary lines):

	<u>Cottonwood Pointe</u>	<u>Forest Park</u>	<u>Creekside</u>	<u>Meadows</u>
1. Front yard:	25 feet	25 feet	25 feet	25 feet
2. Side yard:	10 feet	6 feet	10 feet	6 feet
3. Side yard on a corner Lot:	20 feet	20 feet	20 feet	20 feet
4. Rear yard:	20 feet	20 feet	20 feet	20 feet

**3.2.2 Distance Between Structures.** The minimum distance between structures is 12 feet on adjacent Lots within Forest Park and the Meadows and 20 feet on adjacent Lots in Cottonwood Pointe and Creekside.

**3.2.3 Maximum Building Coverage.** Maximum coverage by structure(s) is 40%, as measured according to City of Montrose standards.

**3.2.4 Streetscape Variety.** The intent for Brown Ranch Community is to provide interesting architecture styles and landscaping schemes along all streets. In order to maintain architectural variety along the residential street, no two homes with the same front elevation may be located on immediately adjacent Lots nor directly across the street from one another. Variation in colors and materials must also be maintained from homes next to each other and across the street.



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**3.2.5 Soils.** Like most areas east of the Uncompahgre River in Montrose County, portions of Brown Ranch are underlaid by expansive soils. These soils may swell when wetted and can sometimes cause earth movement around house foundations. Builders are responsible for having a soils test and soils engineer report prepared by a qualified registered professional engineer, and other necessary inspections completed to assure adequate design for construction of homes and installation of landscaping. The City of Montrose requires engineered foundations for all new construction. The Builder and/or Owner is responsible for assuring that the proposed designed improvements comply with the findings of the soils engineer's report.

**3.2.6 Grading, Drainage, and Erosion Control.** 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 be kept to a maximum of 4:1. Retaining walls require Design Reviewer approval and should be utilized where slopes would exceed 4:1. No grading shall extend beyond existing property lines of the home site without express written permission of the Design Reviewer and adjacent property owner.

Upon completion of any home or associated structure(s), the home site shall be final graded in a manner so as to ensure positive drainage away from the structure's foundation as required by the Builder's soils engineer's report.

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 back-up of water onto a neighboring Lot or tract is strictly prohibited. It is the responsibility of the Builder and Owner to ensure that proper drainage around the home is provided and maintained. When installing landscaping, it is very important to ensure that water drains away from the foundation of the home and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks, and driveways. Water should fully flow over walkways and driveways into the street.

During all site construction, Builder should secure and maintain a State issued Storm Water Management Plan (SWMP). Said Plan shall meet all State and local requirements and employ techniques for controlling erosion within the home site and off of other sites. Techniques include the use of sedimentation basins, filtration materials such as straw bales or permeable geotextiles, and slope stabilization fabrics or tackifiers.

**3.2.7 Driveways and Parking.** Extension, expansion, or resurfacing of driveways requires Design Reviewer 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. Request for circular driveways will be reviewed on a case-by-case basis by the Design Reviewer with consideration given to, but not necessarily limited to, the setback of the home from the street, the size of the Lot and distance of street frontage. On corner Lots, the driveway shall be set back from the corner a minimum of 25 feet from the intersection of the corner street property lines. A minimum of four off-street parking spaces per Lot shall be provided including a minimum of two spaces within a fully enclosed garage.

### **3.3 Landscaping Standards.**

**3.3.1 Water Conservation.** In the landscaping of residential Lots, it is urged that plant materials, irrigation systems, and maintenance practices be utilized which conserve water. It should be noted that when using xeriscape landscaping practices, a more traditional “green” appearance can still be achieved while using much less water than typical suburban residential landscapes.

**3.3.2 Landscape Irrigation.** Because water conservation is a desired community goal, any irrigation system design should utilize the most current state-of-the-art water conservation technologies. Digital controllers, drip irrigation, low water consumption irrigation heads and micro-jet spray heads are just a few examples of the technology currently available. Watering is recommended to be done in the early morning or evening.

**3.3.3 Street Tree Planting.** Homeowners shall be required to install street trees along their Lot’s street frontage at the rate of 1 tree per 50 foot of street frontage. Owners can choose from those trees within the “Recommended Plant List” (see appendix) that have an asterisk(\*) by the name.

**3.3.4 Front Yard Landscaping.** Homeowners shall be responsible for installation of front yard landscaping within three (3) months of initial occupancy of the home, unless the home is first occupied during the months between October 1 and February 28, where completion of the landscape installation may be delayed until June 1. On corner Lots, side yard areas adjacent to a public street shall also be landscaped at the same time as the front yard.

A minimum of two required trees, inclusive of deciduous shade trees (1.5” caliper minimum) and/or evergreen trees (6’-8’ height minimum) shall be planted in the front yard area. The two required trees shall be inclusive of the required street trees as per Section 3.3.3.

Front yard landscaping may consist of a combination of sodded turf and artificial turf areas and shrub and groundcover bed areas. Shrub and groundcover bed areas shall be no less than 15% or more than 30% of the total front yard area. Large expanses of mulch or bed areas without substantial shrub or groundcover plantings are unacceptable. Stone or gravel mulch with harsh, unnatural or high contrast colors shall be strictly prohibited.

Bed areas on adjacent Lots should be coordinated to provide visual continuity from one Lot to another and minimize definition of property boundaries.

An irrigation system shall be installed in all front yard areas unless artificial turf is used in lieu of natural turf. Care shall be given in the design of the system to minimize overspray onto walkways, driveways and streets.

**3.3.5 Side and Rear Yard Landscaping.** Side and rear yard landscaping shall be installed within nine (9) months after initial occupancy of the home by the Owner.

A minimum of one shade tree (1-1/2” caliper minimum) and one evergreen tree (6’-8’ height minimum) or two ornamental trees (1-1/2” caliper minimum) shall be planted in the rear yard area.

**3.3.6 Patios, Decks and Paving Materials.** Patios, decks and paving materials should be

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compatible and harmonious with the structure and surrounding neighborhood and must be an integral part of the landscape architectural design. Material and colors must be compatible with those of the main structure. Natural wood decks shall be permitted with any type of building material. It is recommended that paving materials be earth tone colors.

**3.3.7 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 may not exceed four (4) feet in height and should be located so as to not alter existing drainage patterns.

**3.3.8 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.

**3.3.9 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.

**3.3.10 Sight Triangle on Corner Lots.** The owners of corner lots are prohibited from erecting or growing any obstructions from 36" above the adjacent roadway flowline to 7'-6" above the roadway flowline within fifteen (15) feet of the intersection.

**3.4 Other Site Improvements.** (See Sect 2.2.2 Landscape Plan and Other Site Improvements Review)

**3.4.1 Accessory Buildings.** Accessory buildings, such as storage sheds, gazebos and greenhouses shall be located in the rear yard, and shall adhere to the standards of Site Development and Architectural Design Standards (see Sections 3.2 and 3.5). Requests for approval will be reviewed on a case-by-case basis, taking into consideration the Lot size, square footage of the home and proposed location of the accessory building. Generally, the accessory building should not exceed 80 sq. ft. in size and 8 ft. in height. It is important that the massing and scale, as well as forms, materials, and other detailing, be coordinated with the main structure(s) on the home site. Gazebos must be an integral part of the landscape plan. Greenhouse structure approval will be based on, but not limited to, the general aesthetics, quality, and permanence of materials used. No carports or temporary sheds will be allowed.

**3.4.2 Awnings/Patio Covers/Shutters/Sun Shade Sails.** Awning, patio cover, shutter and sun shade sail 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. Support posts for patio covers must be a minimum 6"x 6" in size. Sun shade sails must be fastened securely, need to be professionally installed and may only be erected and in place from May through September. No awnings, patio covers, shutters or sun shade sails may be erected within any setbacks without prior approval from the Design Reviewer.

**3.4.3 Basketball Hoops (Portable and Permanent).** Requests for free standing, pole mounted basketball hoops will be considered by the Design Reviewer in the front yard along the side of the driveway only or in side and rear yard areas subject to the following considerations: proximity to

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the property lines, proximity to the neighbor's living areas, landscaping and vehicles. Garage mounted hoops may be approved subject to color of backboard. It is strongly encouraged that portable/moveable basketball hoops that have been approved by the Design Reviewer be stored away from view when not in use. However, recognizing that summer use is frequent, moveable/portable hoops will be allowed in view from April 1st through September 30th. For safety concerns, the hoops must be kept behind the sidewalk and all equipment must be weighted so as to not blow over in heavy winds. Beginning October 1st through March 31st, all moveable/portable hoops shall be stored away from view at all times except when in actual use.

**3.4.4 Dog Runs/Dog Houses.** The Design Reviewer may allow dog houses and/or dog runs on a case by case basis. The location and size of the dog house or dog run will be determined with consideration given to its impact on adjacent properties and streets. Generally, dog houses should not exceed 4' in height and should be compatible with the home in material and color. Dog run areas should not exceed 300 square feet in size and fence height should not exceed 5 feet. The dog run fencing should be located immediately adjacent to the home and be compatible with the home in material and color. Chain-link fencing shall not be permitted. The standard privacy fence detail shall be used (see Sect. 3.4.7.1 below). Alternative dog run fence designs will be considered by the Design Reviewer on a case-by case-basis.

**3.4.5 Exterior Lighting.** Design Reviewer approval is required to change or add any exterior lighting. In reviewing lighting requests, the Design Reviewer will consider the visibility, style, location and quantity of the light fixtures. All exterior lighting must be down lit and use warm colored bulbs (2700K to 3500K). Exterior lighting for security and/or other uses must be directed towards the ground and home whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties.

**3.4.6 Exterior Mechanical Equipment.** No exterior mechanical equipment shall be erected on any Lot without the specific approval of the Design Reviewer. Ground level and window air conditioning units, including swamp coolers, must be installed at street level only, must be located in a side or rear yard only, and must be screened from adjacent properties.

### **3.4.7 Fencing.**

1. Yard Fencing: Three varieties of fencing are permitted: An open rail-type fence, a wooden picket fence or a metal picket fence, 4'-0" in height shall be allowed along property lines in the rear and side yard areas only (not extending beyond the front of the home). Welded wire mesh may be installed on the inside of the fence. Chain-link or vinyl fencing shall not be permitted.
2. Within the Meadows Service Area, fencing shall be allowed along the side property lines and up to 20 feet from the rear property line (an area from the rear lot line to a distance of 20 feet from the rear lot line shall be left unfenced in order to provide for ease of lawn maintenance). As an alternative, the entire back yard may be fenced with the inclusion of a six-foot-wide gate at either end of the sides of the property. (The purpose of the regulation is to allow the grass to be easily maintained by the mowing crews.)

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3. Privacy Fencing: The Design Reviewer may allow solid privacy fencing surrounding or shielding patios and decks on a case-by-case basis. The location and size of the privacy fence will be determined with consideration given to its impact on adjacent properties and streets. The privacy fence should not exceed 6' in height and should be compatible with the home in material and color. Privacy fencing along property lines will not be allowed. Privacy fence designs will be considered by the Design Reviewer on a case-by-case basis.
4. Dog Run Fencing: See Section 3.4.4 Dog Runs/Dog Houses.

**3.4.8 Holiday Decorations.** Holiday decorations and/or lighting attached to the home or located on the property may be installed up to 30 days prior to the holiday and shall be removed no later than 30 days following the holiday.

**3.4.9 Hot Tub/Jacuzzi.** Hot tubs and Jacuzzis should be designed as an integral part of the deck or patio area and must be located in the side or rear yard area. It must be installed in such a way that it is not visible to adjacent property owners and that it does not create an annoying level of noise for adjacent property owners.

**3.4.10 Mailboxes.** Clusters of mailboxes are provided within Brown Ranch. No mailboxes will be allowed for private homes.

**3.4.11 Painting/Repainting.** Design Reviewer approval is required for all exterior repainting of the home and accessory improvements if the color selection differs from the existing color scheme (see Section 2.1). The submittal must contain the manufacturer's paint chips with 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 color, and color of neighboring properties. All exterior finishes should be subdued in earth tones such as grey, green, brown, muted blues or reds, or other similar colors. White, primary colors, and other bright colors shall be permitted as accent colors only. Downspouts should be painted to match the body color of the home.

**3.4.12 Play and Sports Equipment.** Play equipment should typically be located in rear yard areas and set back a minimum of five (5) feet from property lines. Consideration shall be given in the location of play equipment so as not to create an undue disturbance on neighboring properties. Play equipment shall be of predominantly muted, earth tone colors and shall not exceed eight (8) feet in height unless otherwise approved by the Design Reviewer. Play equipment or items used for front yard play should be stored out of view when not in use. All outdoor play equipment should be fastened so as to keep it secured on the property. Play houses larger than 30 sq. ft. or over six feet in height shall be discouraged. (See Section 3.4.3 Basketball Hoops).

**3.4.13 Recreational and Commercial Vehicles.** Other than lawful operation on public streets and rights-of-way or private driveways, no motor bike, motorcycle, snowmobile, golf cart, moped three-wheeler or other motorized vehicle may be operated within Brown Ranch. No commercial vehicle, house trailer, camper, camping trailer, motor home, horse trailer, boat, hauling trailer of any nature, truck larger than 1 ton, self-contained recreational vehicle (commonly referred to as an "RV"), snowmobile, jet-ski, motocross motorcycle, three-wheeler or other recreational

## *Design Guidelines*

equipment or vehicle or associated accessory shall be parked on any portion of Brown Ranch for longer than 72 hours in any two-week period, other than in a covered, enclosed structure approved by the Design Reviewer. No vehicle maintenance or repair (including without limitation, changing of oil) shall be conducted within Brown Ranch (other than in cases of emergency, such as changing of a flat tire occurring within Brown Ranch), unless conducted in compliance with all applicable laws and within an enclosed garage or other enclosed structure.

**3.4.14 Roof Replacement/Rooftop Equipment.** Design Reviewer approval is required if roof material or color is changed. Roofing color should be complementary to other colors on the home. Rooftop equipment must be approved and be painted a color similar or complementary to the exterior of the home and installed to minimize the visibility of the equipment on the roof.

**3.4.15 Satellite Dishes/Antennas.** Up to two satellite dishes/antennas may be installed on a residential Lot subject to the following conditions:

1. The satellite dishes/antennas are three feet or less in diameter.
2. To the extent feasible, the satellite dishes/antennas should be placed in the rear or side yard in such a manner that they are screened from adjacent street(s) and neighboring properties.
3. The satellite dishes/antennas should be installed at the lowest possible placement, utilizing ground level sitting (unless a signal is unattainable).
4. The satellite dishes/antennas may be required to be painted to match the surrounding environment or screened with a reasonable number of plantings to minimize its visual impact to surrounding areas.

**3.4.16 Screen/Security Doors and Windows.** Design Reviewer approval is not required for the addition of screen doors or storm windows added to a home if the material and color matches or is similar to existing doors and windows on the home. Security treatments for doors and windows must be approved by the Design Reviewer.

**3.4.17 Signs/Address Numbers.** Temporary signs advertising property for sale or lease which are no more than four feet in height and no more than two feet by three feet in dimension, and which are muted in color and style may be installed on the Lot without Design Reviewer approval provided there is no more than one sign per Lot. 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. All other signs, including address numbers and name plate signs must be approved by the Design Reviewer. Lighted signs will be considered by the Design Reviewer on a case-by-case basis only.

**3.4.17.1 Political Signs.** The Association shall not prohibit the display of a political sign by the owner or occupant of a lot on property within the boundaries of the lot or in a window of the unit; except that:

## *Design Guidelines*

1. The Association prohibits the display of political signs earlier than 90 (ninety) days before the day of an election and later than 7 (seven) days after an election day.
2. The Association limits the number of political signs to one sign per political office or ballot issue that is contested in a pending election. The maximum dimensions of each sign may be limited to the lesser of the following:
  - A. The maximum size allowed by any applicable city, town, or county ordinance that regulates the size of political signs on residential property; or
  - B. Thirty-six inches by forty-eight inches.
3. As used in this paragraph, “political sign” means a sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.

**3.4.18 Solar Equipment/Skylights.** All solar equipment and skylights shall also be incorporated into the structure and building mass and be architecturally compatible with the home. All equipment must be professionally installed to ensure the structural integrity of the construction. The Association is not responsible for trees that shade neighboring solar installations.

**3.4.19 Swimming Pools.** Request for above or below ground swimming pools will be reviewed on a case-by-case basis by the Design Reviewer with consideration given to, but not necessarily limited to, the size of the yard area, setback from and impact on neighboring properties, and size of pool enclosure.

**3.4.20 Wood Storage.** Wood must be located in the side or rear yard, adjacent to the home, and be neatly stacked. Design Reviewer approval is not required for the storage of wood provided it does not exceed 6’ in height.

**3.4.21 Fire Pits and Outdoor Fireplaces.** As per the Montrose Municipal Code Chapter 6-6 OPEN BURNING, the use of open wood burning fire pits and outdoor fireplaces is prohibited within the City limits. All of the Lots in Brown Ranch are within the City Limits. The following are allowed by the Association:

1. Fire pits or outdoor fireplaces with spark screen covers to prevent flying embers with a minimum screen of: 8×8 Mesh. 028" wire.
2. Fire pits or outdoor fireplaces which burn natural gas or propane
3. Any of the above must sit within the setbacks as per Section 3.2.1 Building Setbacks

**3.4.22 Yard Ornaments and Flags.** Yard ornaments, including but not limited to, fountains, sculptures, statues, flags and banners, etc., require Design Reviewer approval. Location of yard ornaments in the front yard is discouraged.

1. Flags or banners shall not be larger than 3’ x 5’ in size.

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2. Flags may be house mounted or flown from a standalone flagpole.
3. No flagpoles shall be located within any setbacks as defined in Section 3.2.1 Building Setbacks.
4. Only one flagpole shall be allowed per Lot and shall be no more than 10 feet in overall height.

### **3.5 Architectural Standards.**

**3.5.1 General.** No mandatory architectural “style” is required for Brown Ranch. However, it is the intent of these standards that residential design solutions develop proportions and details appropriate to the home site and neighboring properties. To this end, careful scrutiny will be given to the massing, proportions, overall scale and the homes’ materials, color and textures. To accomplish this goal, the following minimum architectural standards shall apply to both new home construction and home remodels or renovations.

**3.5.1.1 The Meadows Specific Standards.** The Meadows architectural style shall be based on Cottage Style homes with covered front porches and rear patios. Exterior siding shall utilize horizontal and vertical siding along with the following minimum architectural standards and shall apply to both new home construction and home remodels or renovations.

**3.5.2 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 Design Reviewer will encourage designs that reduce building scale and increase individuality and diversity.

Large, unbroken planes are considered to be not in keeping with the desired scale of the development. Therefore, wings at building corners, courtyards, stepped walls, integrated decks with well-designed and proportioned railings, and covered entries are encouraged to develop well balanced massing. This will avoid a “three-story look” that will be reviewed with disfavor by the Design Reviewer. Upper floor levels shall be no more than 35% of the inhabitable square footage (excluding basements) in order to reduce overall building scale. The Design Reviewer will also be reviewing the location, type, and size of door and window openings for their effect on proportions and continuity. Side elevations of the home which are prominently viewed from public streets, parks or other public areas will be given equal importance and must maintain the continuity of the building massing and detailing.

**3.5.3 Walls and Openings.** The walls of a building are an important part of its overall visual impact and should be carefully detailed. Siding and trim 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 very 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 but at a human scale. Recessed openings at doors and windows are strongly encouraged to lend shadow and detail.

**3.5.4 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 in the design of the home. Architectural elements to accomplish this definition include recessed windows, deep



## *Design Guidelines*

eaves and offset wall planes, window shutters, well-proportioned porches with brackets, trellises and arbors, decks, detailed fascias, belly bands, etc.

**3.5.5 Maximum Building Height.** Building height and profile should be in scale with the surrounding structures and topography. The maximum height of structure(s) not including chimneys, flues, roof vents, skylights or other similar roof extensions is 35 feet as measured according to City of Montrose standards. Certain Lots will be limited to single story homes with a maximum height limitation of 28 feet (see appendix).

**3.5.6 Minimum Building Size.** No dwelling shall be permitted on any Lot if the ground floor area of the main structure, exclusive of open porches and garages, is less than the amounts (as per outside measurements) defined herein for each Service Area.

	<u>Cottonwood Pointe</u>	<u>Forest Park</u>	<u>Creekside</u>	<u>Meadows</u>
1. Min Sq. Ft. Required:	2,500 Sq. Ft.	2,000 Sq. Ft.	2,500 Sq. Ft.	1,650 Sq. Ft.

**3.5.7 Exterior Materials.** To anchor the home to the site and provide a continuity of materials, the exterior front elevation wall surface shall incorporate a second material, such as stone, cultured stone or masonry. At least ten percent (10%) of the exterior of the home must be stone or masonry. Wrapping building masses, expressing chimneys and detached columns in stonework add visual interest. Use of bright, unfinished, colored, reflective or mirrored surfaces or glass is not permitted. Masonite type siding or vinyl siding will not be permitted as principal siding material on any exterior wall. Concrete foundation walls shall not be exposed and shall be faced or finished to blend with the general architectural design of the building.

**3.5.8 Roofs.** The roof form is the most prominent visual element of a home and central to defining its architectural character. Therefore, the form and materials used to create a building's roof will be carefully reviewed by the Design Reviewer. Styles such as gable, hip, flat (southwest style homes) and shed roofs will generally be acceptable for residential construction, while mansard, gambrel 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. Roofing material shall be a minimum of a 30-year architectural grade shingle.

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 will not be allowed. Flues and vents must be located out of view of the front of the home.

**3.5.9 Decks.** Decks must maintain the overall form and be a natural extension of the architecture. Decks and balconies must be integrated into the building through the use of similar materials and detailing. Deck supports must have a substantial scale that visually anchors them to the ground and should be a minimum 8"x 8" in size and placed at least 30" deep on caissons.

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**3.5.10 New Construction.** All construction shall be new construction and no previously erected building or other improvement shall be moved onto or set upon any Lot. No modular or manufactured home shall be installed or placed upon any Lot.

## **Article IV. Construction Regulations**

**4.1 General.** The following regulations shall be enforced during the construction period. These regulations shall be a part of the construction documents contract for each home, and all Builders and Owners shall abide by these regulations.

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

**4.3 Construction Hours.** Construction is permitted between the hours of 7:00 A.M. and 7:00 P.M., Monday through Saturday. No construction shall be permitted on Sundays.

**4.4 Construction Access.** Declarant may designate specific access points for exclusive and limited use by construction vehicles.

**4.5 Construction Trailers, Sheds or Temporary Structures.** All construction shelters shall be approved by the Design Reviewer as to their size, configuration, and location. All temporary structures shall be removed upon completion of construction.

**4.6 Excavation and Environmental Fencing.** 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 of the Design Reviewer. Contractors are responsible for erecting silt fencing or straw wattles along the perimeter of the lot in order to mitigate having dirt washing onto the streets and neighboring properties. Light weight construction fencing of the orange, plastic type shall be erected along any property line bordering onto open space or neighboring lots with existing landscape.

**4.7 Debris and Trash Removal.** Regular cleanup of the construction home site is mandatory. All trash and debris shall be stored in a fenced trash disposal area 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 on a daily basis. All trash must be disposed of off the home site on at least a weekly basis.

**4.8 Vehicles and Parking.** All vehicles must be parked so as not to inhibit traffic or damage surrounding natural landscape. Vehicles shall not be left overnight on roads within Brown Ranch. Any vehicles left overnight on any street within Brown Ranch may be towed at the owner's expense. The Design Reviewer may designate, at time of plan review or during construction, specific areas for parking of construction workers vehicles and/or equipment.

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

**4.10 Blasting.** If any blasting is to occur, the contractor shall be responsible for informing all residents in the proximity of the blasting home site. Contractor shall be responsible for any damage

## *Construction Regulations*

caused to properties within the vicinity as a result of blasting.

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

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

**4.13 Prohibited Uses and Activities.** The following items are prohibited in this community:

1. Changing oil of vehicles and equipment without proper receptacles and removal procedures.
2. Concrete equipment cleaning or concrete dumping shall be confined to the home site and shall be removed prior to completion of home or a designated wash-out area.
3. Removing any rocks, trees, plants, or topsoil from any portion of the property other than the Owner's home site.
4. Careless treatment of trees or open space areas.
5. Use of spring, surface, or irrigation water for construction purposes.
6. Signs other than approved construction or real estate signs.
7. Careless use of cigarettes or flammable items.
8. Firearms.
9. Open Fires.
10. On home site dumping of trash or substances controlled or regulated by the Environmental Protection Agency or any similar state or local governmental authority.
11. Careless or reckless driving.
12. Driving across any open space or non-designated construction areas.
13. Illegal drugs.

**4.14 Fines for Violations of the Construction Regulations.** The following fines will be levied against builders who are found to be in violation of these Construction Guidelines. These fines will be administered by the Brown Ranch Community Association and will be deducted from the Deposit as per Section 1.3.4 of these Design Guidelines.

Violation/Fine \$

1. Workers performing their jobs outside the prescribed hours or on Sundays: \$50/violation
2. No toilet for workers' use on the Job Site: \$25/violation
3. No dumpster available for containing trash and debris on the Job Site: \$25/violation
4. Trespassing onto and damaging Open Space: Repair Cost + 20%
5. Damage to the irrigation system within the open space: Repair Cost + 20%
6. Signs other than approved construction or real estate signs: \$25/violation
7. Dogs brought by workers to the Job Site: \$25/violation
8. Discharge of Firearms at the Job Site: \$250/violation
9. Open Fires on the Job Site: \$100/violation
10. Excess mud brought onto the streets from Job Site: Clean-up Cost +20%

*Construction Regulations*

11. Music that is loud and offensive to the Neighborhood (one warning): \$25/violation
12. Construction debris and garbage originating from Job Site and found on open space or non-designated construction areas (if exceeds \$100.00 fee limit): \$30/hour clean-up charge
13. The Association may amend this list to include any other violations.

## Article V. Miscellaneous

**5.1 Nonliability.** Design Reviewer approval pursuant to these Design Guidelines does not approve or guarantee engineering design or compliance with law and applicable governmental ordinances or regulations (such as zoning and building ordinances), and does not reflect any representation by the Design Reviewer as to such matters. By approving plans and specifications, neither the Design Reviewer, any Design Review Board, its members, the Association, the directors and officers of the Association, nor the Declarant assumes any liability or responsibility for engineering design or compliance with law and applicable governmental ordinances or regulations or any other matter relating thereto. Neither the Design Reviewer, any Design Review Board, its members, its agents, the Association, the directors and officers 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 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 the subdivision.

**5.2 Legal Basis for the Design Review.** The process for appointing the Design Reviewer and for establishing the Design Review Board and defining the specific duties and powers conferred on it are set forth in the Community Charter.

The Community Charter is recorded in the office of the Clerk and Recorder of Montrose County, Colorado. All property owners should refer to the recorded documents for the complete text of the Community Charter. The Community Charter is the basis of the authority for these procedures and is legally binding.

The Community Charter will control if there are any discrepancies between the Design Guidelines and the Community Charter. Copies of the Community Charter and current Design Guidelines, Rules and Regulations are available online at [BrownRanchMontrose.com](http://BrownRanchMontrose.com).

**5.3 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 Design Reviewer 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.

**5.4 Supporting Documents.** Builders and Owners should thoroughly review all portions of the following documents applicable to their property:

1. Community Charter for The Brown Ranch.
2. Charter Supplements.
3. Subdivision Plats for The Brown Ranch.
4. The Brown Ranch Soils Reports as provided by Lambert & Associates.
5. City of Montrose Zoning Regulations.

## *Definitions*

### **Article VI. Definitions**

#### **6.1 Basic Definitions**

**Applicant:** means the Person proposing to make an Improvement.

**Association:** means The Brown Ranch Community Association, Inc., a Colorado nonprofit corporation, and its successors and assigns.

**Board of Directors:** means the Board of Directors of the Association.

**Builder:** means any Person or Approved Builder as defined in the Community Charter for Brown Ranch who now or hereafter acquires a Lot for the purpose of constructing a dwelling thereon for resale to a third party.

**Common Area:** has the meaning given to that term in the Community Charter.

**Community Charter:** means the Community Charter for Brown Ranch, as it may be amended or supplemented from time to time, development plans and other recorded instruments that create or modify the planned community known as The Brown Ranch.

**Declarant:** means Sunshine of Montrose, Inc., a Colorado corporation, together with its successors and assigns, presently represented by John Moir.

**Design Guidelines, Rules and Regulations:** means any instruments adopted by the Declarant (or the Association as provided in the Community Charter) for the purpose of establishing guidelines, rules, regulations, and procedures relating to the architectural design, exterior appearance of all dwellings, and any improvements or alterations made on any Lot, as the same may be amended or supplemented from time to time.

**Design Review Advisory Board:** means the committee or committees nominated by the Declarant during the Development and Sale Period to regulate the design and construction of improvements on Lots.

**Design Review Board:** means the committee or committees established by the Board of Directors after the Development and Sale Period to regulate the design and construction of improvements on Lots. The Design Review Board shall consist of three, five or seven persons as determined by the Board of Directors.

**Design Reviewer:** means the person, persons, entity or entities appointed or designated to review an application for an Improvement pursuant to the Community Charter. During the Development and Sales period, the Declarant shall serve as the Design Reviewer.

**Development and Sale Period:** means the period commencing on the date on which Declarant formed the Association and ending on the day when the last Dwelling Unit (as that term is defined in the Community Charter) has been sold to a Homebuyer (as that term is defined in the Community Charter).

**Improvement:** means any landscaping, improvement, structure or appurtenance of every type

## *Definitions*

and kind, including, without limitation, grading, excavation and filling or similar disturbance to the surface of the land; landscaping features; clearing or removal of trees, shrubs, grass or plants; satellite dish; antenna; dwelling units; buildings; outbuildings; swimming pools, tennis courts, basketball hoops, skateboard ramps and other recreational improvements; patios and patio covers; decks; awnings; exterior paint, trim and other finish materials; solar collectors; dog runs; dog houses; walkways; trails; additions to existing structures; alteration to exterior surfaces of approved buildings, structures, landscaping, or grading (including without limitation, any change of exterior appearance, color, roofing materials or texture); alteration of the drainage pattern with respect to any Lot or onto any other Lot or Common Area; sprinkler systems; garages and carports; driveways; paving and gravel; fences; walls (whether for screening or retention); stairs; exterior lighting; signs; exterior tanks and utilities (whether for air conditioning, cooling, heating, water softening or any other purpose); or any change to, or demolition or destruction (by voluntary action) of, any of the foregoing, or any other exterior change visible from any location outside the Lot.

**Lot:** has the meaning given to that term in the Community Charter.

**Owner:** means the record holder of legal title to the fee simple interest in any Lot or portion thereof (including, without limitation, Declarant and any Builder).

**Screened:** means that 50% of the area or object be hidden from the view of the adjacent properties.

**Service Area:** has the meaning given to that term in the Community Charter.

**Single Story Home:** means that there shall be no second story over any living space other than a basement, but allows for a bonus room over the garage space.

**Variance:** means a request to deviate from these Design Guidelines. If granted it permits the Applicant to proceed with a project that is ordinarily not permitted by the Design Guidelines. It is not a change in the Design Guidelines, but a waiver from the Design Guidelines requirements.



*Plant List*  
**Recommended Plant List**

The following plants are recommended because of their adaptability to extremes of climate and soil, hardy and vigorous natures, water usage, special design values, forms, foliage and/or flower characteristics. This plant list is not intended to be exclusive.

**DECIDUOUS TREES**

Lindens  
Amur Maple  
Autumn Purple Ash\*  
Patmore Ash\*  
Lanceleaf Cottonwood  
Canada Red Cherry  
Honeylocust Species\*  
Select Crabapple Species  
London Plane\*  
Thornless Cockspur Hawthorn  
Washington Hawthorn  
Autumn Blaze Maple  
Serviceberry  
Western Hackberry\*  
Newport Plum  
Redbud  
Golden Rain Tree

**EVERGREEN TREES**

Pinyon Pine  
Scotch Pine  
Ponderosa Pine  
Austrian Pine  
Concolor Fir  
Colorado Blue Spruce

**DECIDUOUS SHRUBS**

Mountain Mahogany  
Cistena Plum  
Barberry  
Nanking Cherry  
Western Sand Cherry  
Native Chokecherry  
Peking Cotoneaster  
Alpine Currant

**DECIDUOUS SHRUBS**

(continued)

Golden Currant  
Squaw Currant  
Burning Bush  
Rock Spirea  
Anthony Waterer Spirea  
Froebel Spirea  
Blue Mist Spirea  
Snowmound Spirea  
Butterfly Bush  
Three-leaf Sumac  
Fragrant Sumac  
Thimbleberry  
Twinberry  
Select Viburnum Species  
Dwarf Arctic Willow  
Dwarf Korean Lilac  
Isanti Dogwood  
Yucca  
Mock Orange  
Shrub Rose  
Gambel Oak  
Dwarf Ninebark  
Chinese Lilac  
Common Purple Lilac  
Red Twig Dogwood  
Mountain Snowberry

**EVERGREEN SHRUBS**

Scandia Juniper  
Tammy Juniper  
Mugo Pine  
Hughes Juniper  
Arcadia Juniper  
Blue Chip Juniper  
Wilton Juniper  
Buffalo Juniper  
Calgary Carpet Juniper  
Prince of Wales Juniper

**GROUND COVER, VINES  
AND PERENNIALS**

Border Jewel  
Rocky Mt. Penstemon  
Select Poppy Species  
Creeping Potentilla  
Snow-in Summer  
Wild Strawberry  
Sedums  
Purple Leaf Wintercreeper  
Common Yarrow  
Virginia Creeper  
Hall's Honeysuckle  
Silver Lace Vine  
Sweet William  
Creeping Phlox  
Basket of Gold  
Periwinkle  
Fall Mums  
Fall Asters  
Purple Coneflower  
Creeping Mahonia  
Shasta Daisy  
Daylily  
Blanket Flower  
Rocky Mountain Columbine  
Blue Flax  
Japanese Iris

**ORNAMENTAL GRASSES**

(for use in shrub beds)

Blue Fescue  
Fountain Grass  
Feather Reed Grass  
Blue Avena

*Appendix*  
**Height Restriction**

Lots with 28-foot height restriction:

Lot #1

Lots #27-39

All lots in Brown Ranch Filing #1 Cottonwood Pointe Neighborhood