



Erie Highlands

Design Standards for
Single-Family Detached
Homes

Amended 2021

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Introduction and Purpose

The goal of the Erie Highlands Design Standards for Single-Family Detached Homes ("Design Standards") is to provide general design criteria and guidance for new and future homeowners for future enhancement of a home and visual compatibility to the house's particular architectural style.

The Erie Highlands Design Review Committee ("DRC") has jurisdiction over design and aesthetic aspects of the Covered Property. Covered Property is defined as all real property covered by the Declaration of Covenants, Conditions and Restrictions for Erie Highlands recorded in the records of the Weld County Clerk and Recorder at Reception Number 4032135 on July 14, 2014, as amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions for Erie Highlands recorded in the records of the Weld County Clerk and Recorder at Reception Number 4095671 on April 3, 2015 and as may be amended from time to time ("Master Covenants") which includes all residential sites/lots ("Residential Site"). The DRC is a committee established and appointed by the Erie Highlands Operating District as defined in the Master Covenants (the "District").

The DRC must approve all plans for any alteration of the exterior of the Residential Site or the Improvements, including architectural or landscape modifications before the modifications are made. The DRC also has the right to review modifications as they are constructed and give final approval of completed modifications.

Administration of Design Standards

It is the responsibility of the DRC to ensure that all proposed improvements meet or exceed the requirements of these Design Standards and to promote the highest quality design for the neighborhood. Specific duties and powers of the DRC are defined in the Master Declaration of Covenants, Conditions, and Restrictions for Erie Highlands.

- Approval of Improvements by the DRC is for aesthetic purposes only. It is the homeowner's responsibility to see that all federal, state, and local ordinances and codes are followed. Permits may be required by a County, Town, or other governmental agency.
- The DRC will be responsible for all front, side and rear yard landscape reviews and final approvals and they will use these Erie Highlands Design Standards as their tool for reviews.
- The reviews will be done in a timely manner and the DRC agent will be in direct contact with each homebuyer. In addition to the front yard landscape plan submitted by the builder, the homebuyer may elect to submit their rear yard design plan prior to the house closing to expedite the process. This will assist the homeowners to complete their rear yard landscaping in the time frame as outlined in the Submittal Review Schedule section.

Variances

Approval of any proposed plans is at the sole discretion of the DRC. The DRC may grant variances from any of the provisions of these Design Standards when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations create undue hardship for the property owner. Should the DRC approve an Improvement which is a variance from compliance with the provisions of the Master Covenants, it does not constitute waiver of the Master Covenants for any other similar Improvement.

Revisions to Design Standards

The DRC reserves the right to revise these Design Standards from time to time as changing conditions and/or priorities dictate.

The Design Standards are a supplement to all applicable government Codes and Regulations. These Design Standards are also supported by the following:

Covenants, Conditions and Restrictions

The Design Standards do not supersede or modify any existing applicable Town of Erie Codes or Regulations. Any requests for variances to the laws, regulations, or standards adopted by the Town shall be submitted to the appropriate municipal agency according to established procedures following review and approval by the DRC. In the event of conflict or discrepancy, or for subjects not addressed herein, or as part of the Master Covenants, the municipal regulations and codes take precedence, and the most restrictive standards shall apply.

Provided that DRC acts in good faith, neither the DRC nor any representative thereof shall be liable to any applicant or any other person for any damage, loss or prejudice suffered or claimed on account of the review of plans, specifications or materials. The review and delivery of a form of approval or disapproval is not to be considered an opinion as to whether or not the plans are defective or whether the construction methods or performance of the work proposed therein is defective, or whether the facts therein are correct or meet the Town of Erie building codes.

DESIGN STANDARDS ENFORCEMENT POLICY

It benefits all homeowners in Erie Highlands to follow the established Design Standards to promote the common good and enjoyment of the homeowners' investments, protect property values and maintain a pleasant living environment. Pursuant to the Governing Documents and Section 32-1-1001 (1)(j) C.R.S., failure to adhere to the rules and regulations as outlined in the Governing Documents may result in monetary penalties, or suspension of any services provided by the District. Furthermore, the homeowner may also be held responsible for costs incurred by the District to resolve the issue such as, but not limited to, legal expenses, additional review fees and inspection expenses. By statute and legal documents, unpaid penalties are a first lien on the property in question and may be foreclosed through judicial proceedings.

- First Notice of Violation- Courtesy Notice

Notice is given to homeowner outlining the nature of the alleged violation and the time period in which the violation(s) must be corrected, pursuant to the following classification guidelines:

- Class I Violation: violation that, in the sole discretion of the District, can be corrected immediately and/or does not require submission to, and approval by, the District of any plans and specifications. Class I Violations include, but are not limited to, parking violations, trash violations and other violations of the Governing Documents concerning annoying lights, sounds or odors. Class I Violation can in most cases be corrected within seven (7) days of notification.
- Class II Violation: violation that, in the sole discretion of the District, cannot be corrected immediately and/or require plans and specifications to be submitted to, and approval by, the District prior to

any corrective action. Class II Violations include, but are not limited to, violations of the Governing Documents related to landscaping and construction of, or modification to, Improvements. Class II Violations can in most case be corrected within thirty (30) days of notification.

- Second Notice of Violation- Fine Warning

Notice is given to homeowner that alleged violation has not been corrected and a \$50.00 penalty will be imposed if there is not compliance within ten (10) days.

- Third Notice of Violation- \$50.00 Penalty

Notice is given to the homeowner that the alleged violation has not been corrected and a penalty of \$50.00 has been imposed. The homeowner is given notice of a \$100.00 penalty if the alleged violation is not corrected within 14 days.

- Fourth Notice of Violation - \$100.00 Penalty

Notice is given to the homeowner that the alleged violation has not been corrected and a penalty of \$100.00 has been imposed. The homeowner is given notice that subsequent penalties of \$100.00 will be imposed every 14 days until the alleged violation is corrected. The homeowner may be responsible for all costs incurred by the District to resolve the issue, including but not limited to: fines, fees, liens, and legal fees. Notwithstanding, the foregoing, it is the opinion of the DRC that the violation in question gives indications that the property has been abandoned, is vacant, is in foreclosure or the violation is otherwise continuing without indication that a remedy is imminent. The DRC may accelerate the period of notifications, record, statements of lien, exercise the self-help provisions available under the Governing Documents, or turn the matter over to the DRC's legal counsel for collection action.

HEARING AND APPEAL PROCEDURES

Request for a Hearing. Upon receipt of written notice of violation or a decision of the District pursuant to the Governing Documents, a complainant shall have twenty (20) days from the date of the written notice of violation or decision to submit a written request for a hearing to dispute any violation(s) or decision with a hearing officer, to be appointed from time to time by the District Board (the "Hearing Officer"). The Hearing Officer shall, upon a request for a hearing, set and provide written notice of the date, time and place of hearing to the complainant who may appear before the hearing officer to dispute the proposed enforcement action or decision. The notice of the hearing shall be served personally or be certified mail return receipt requested or by any mail delivery service that is the equivalent to or superior to certified mail return receipt requested with receipt-to-receipt verification delivery speed and reliability, at least ten (10) days before the hearing. Service may be made on any agent or officer of a legal entity.

Hearing Procedures. The hearing procedures shall be as follows:

- The Hearing Officer shall direct all proceedings at the meeting. The Hearing Officer shall also have complete authority to decide what evidence and in what form shall be accepted. The Colorado Rules of Evidence shall not apply.
- The Hearing Officer will describe the specific provision of the Governing Documents which is said to be applicable or to have been violated by complainant, including the date and place.

- Complainant shall be asked to admit or deny the charge and show cause why the proposed enforcement action should not be taken. Complainant may speak for himself or may be represented by counsel throughout the hearing. Failure to respond or attend the hearing will be construed as an admission of the alleged violation.
- If the charge is denied, the complainant shall describe the details of the circumstances at the hearing.
- Complainant shall have the opportunity to confront each witness against him.
- When all complaining witnesses have been heard, the complainant may make statements in rebuttal, and may provide witnesses in support of his position. The complaining witnesses may ask questions of each such rebuttal witness in turn.
- The Hearing Officer shall have the opportunity to question any witness or involved parties if it so desires.
- After the conclusion of the hearing and upon review of all the evidence, the Hearing Officer shall make written findings of fact, written notice of which shall be mailed to the complainant no later than ten (10) business days from the conclusion of the hearing. Thereupon the Hearing Officer may:
 - Issue an order stating that no violation of the Governing Document(s) has occurred.
 - Issue an order stating that a violation of the Governing Document(s) has occurred and directing that the violation shall be discontinued and any or all fines, penalties, fees associated therewith must be paid.
 - Issue such other or further orders and directives as are necessary and appropriate.
- Any party to the hearing aggrieved or adversely affected by an order of the Hearing Officer may appeal such order to the District Board, and thereafter to the District Court in and for the County of Weld, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Appeal to District Board. Upon receipt of the Hearing Officer's order, the complainant shall have twenty (20) days from the date of the written notice to request a hearing before the District Board, to dispute such order. The District Board shall, upon a request for an appeal, set and provide written notice of the date, time and place of the appeal hearing to the complainant. The District Board review shall be on the record established before the Hearing Officer. The notice of the appeal hearing shall be served personally or be certified mail return receipt requested or by any mail delivery service that is the equivalent to or superior to certified mail return receipt requested with receipt-to-receipt verification delivery speed and reliability, at least ten (10) days before the appeal hearing. Service may be made on any agent or officer of a legal entity. The procedures for the appeal hearing shall follow the hearing procedures set forth in subsection (d) above, provided, however, that the chair of the District Board shall direct all proceedings at the meeting

and such appeal hearing shall be open to attendance to any person having the right to attend any meeting of the District Board. The District Board may restrict attendance to the appeal hearing to only those parties to the dispute and their witnesses upon the request of any party to the dispute or on the District Board's own initiative. Any decision to restrict attendance to the appeal hearing shall be made by the District Board in its sole discretion when the District Board shall believe that confidentiality shall be in the best interest of the District. Any such hearing conducted with restricted access shall be in accordance with rules regarding meetings in executive session. No person shall speak without being recognized by the chair and the chair may limit the amount of time any person may speak. The failure to comply with the directions of the chair or otherwise conduct an orderly hearing may be considered, in itself, a violation of the rules resulting in fines or other penalties. At the conclusion of the appeal hearing, the District Board shall adjourn to an executive session and discuss the statements and vote as to whether to overturn the Hearing Officer's order. A majority vote shall control. The result of the vote shall be recorded in the minutes of the meeting and announced to the complainant.

Legal Proceedings. In the event the violation is of a continuing nature, constitutes a threat to the health, safety, or welfare of the residents or the property within Erie Highlands, or the circumstances otherwise justify such action, District shall have the right to pursue any legal remedy, at law or in equity, to abate the violation immediately without proceeding through steps outlined above. Nothing in this policy shall constitute an election of remedies nor preclude the District from seeking assistance from other enforcement authorities such as police, fire or animal control. District shall be entitled to reimbursement of its costs including reasonable attorney fees, court costs, and other legal costs incurred in all enforcement activities from any complainant who has committed a violation. Nothing in this paragraph shall be construed to prevent complainants from recovering their costs as otherwise provided by law.

Design Review Procedures

GENERAL CONDITIONS

The following general conditions should be adhered to as follows:

- DRC approval does not constitute waiver of any requirements required by applicable governmental agencies for the subject improvement or modification.
- DRC approval of plans does not constitute acceptance or responsibility of any technical, engineering, structural or drainage specifications. The function of the DRC is to review submittals as to aesthetics. All technical engineering, structural, or drainage matters are the responsibility of the homeowner.
- Approved plans are not to be considered authorization to change the original drainage plan as installed by the Builder and approved by the applicable governmental agency.
- Access for equipment used in construction must be through your Residential Site only. Access over District Property requires written authorization from the DRC.
- If proposed Improvements require access over District Property for the purposes of transporting labor or materials, written permission for such access shall be required from the DRC. Any such requests must be filed with the DRC prior to the commencement of construction.
- Streets may not be obstructed with objects and building materials that are hazardous to pedestrians, vehicles, etc. Items such as, but not limited to, sand, rock and building materials, may not be stored on streets, sidewalks or District Property.
- Building permits from any applicable County, Town or government agency may be required for certain improvements.

- Any damage to District Property will be replaced or repaired by a District subcontractor. All applicable charges for restoration will be charged back to the homeowner by the District, and is due and payable within thirty (30) days from notification.
- Approval of plans is not authorization to proceed with Improvements on any property other than the Residential Site owned by the homeowner.
- Homeowner may also need to acquire approval from the utility company and/or the County, or Town for permission to encroach within an easement which will access Homeowner's Residential Site.
- Any photos required by the DRC will not be returned to the homeowner.
- No homeowner shall alter any landscaping, and/or otherwise change any District Property.
- All work must be performed in a manner consistent with the original construction standards of the home, and with the design and appearance of the community. All work considered being of an unsightly finished nature, or of lesser quality than the prevailing village standards, shall be reworked to an acceptable appearance at homeowners' expense.
- If written approval of the DRC is not obtained for any exterior change to a Residential Site, construction shall constitute a violation of the Master Covenants, and the unauthorized Improvement may have to be modified or removed at the homeowner's expense.

DESIGN REVIEW COMMITTEE PROCESS

The intent of the design review process as described below is to ensure that residential neighborhoods developed within Erie Highlands contribute to the character and quality envisioned for the community.

In order to ensure a consistent, high quality and integrated design throughout all phases of the project, the DRC will review and approve the proposed plans prior to submission to the Town of Erie Building Department. A design review process has been established to review architecture and landscape design for conformance to the Design Standards. The DRC reviews the *Design Review Request Form* and the drawings for completeness and consistency with these Design Standards.

Submittal Review Schedule

- All submittals must be received by the
Erie Highlands Metropolitan District
c/o
Special District Management Services, Inc.,
141 Union Blvd. Ste. 150
Lakewood, CO 80228
Attn: Erie Highlands Design Review Committee
- Submittals to, and approvals by, the DRC shall occur prior to installation and should be done before ordering materials and start of demolition or construction.
- The homeowner must submit landscape plans to the DRC within 60 days after closing on the purchase of the home.
- Any submittals not complete (as to required forms, copies, information) will not be accepted and will be returned to the homeowner.
- After a submittal is accepted as complete and meets all requirements, the DRC's approval or disapproval shall be given within a timeframe not to exceed thirty (30) business days after submittal acceptance. Approval may be given with conditions. If

the DRC has not denied the submittal in writing within 60 days of receipt, then it shall be deemed approved.

- Once a homeowner or Builder receives approval from the DRC, construction may commence and timely completion of the approved improvements is required.
 - Architectural Improvements must be completed within 12 months.
 - Landscape Improvements must be installed within 120 days of approval unless the home is first occupied between October 1 and March 31, where completion may be delayed until June 30.
- Construction must proceed consistent with the approved plan. All deviations must be submitted for review and approved by the DRC prior to commencement of work on those deviations.
- Upon completion of the approved Improvement(s), a *Notice of Completion* must be forwarded to District.
- The DRC has 60 days after the Notice of Completion is submitted to inspect the Improvement(s).

Approvals and re-submittals

All submittals reviewed by the DRC to be stamped as follows:

- APPROVED: Plans meet all DRC requirements
- APPROVED SUBJECT TO THE FOLLOWING: Plans meet all or most of DRC requirements, but may contain some minor items in need of clarification or correction. Plans will also be stamped APPROVALS SUBJECT TO THE FOLLOWING if the DRC wants to inform the applicant of certain conditions that may affect other plan submittals or construction improvements.
- Plans may also contain significant deviations or deficiencies from DRC requirements and must be corrected or clarified before DRC will grant approval. All resubmittals to DRC must be a complete plan set and must address each comment and any change to the plans in writing and on the plans. Partial resubmittals of corrected sheets only will not be accepted. This type of review may be noted as an APPROVED SUBJECT TO THE FOLLOWING or as DENIED.
- DENIED: Plans contain items that are not allowable under these Design Standards or need substantial revision and should be resubmitted. Notes regarding the reason for the denial will be provided.

CONSTRUCTION SHOULD NOT BEGIN ON ANY IMPROVEMENTS UNTIL ALL SUBMITTALS FOR THAT TYPE OF IMPROVEMENT HAVE BEEN APPROVED.

Any change to the plans after DRC approval including those not specifically requested by the DRC, must be re-submitted for approval with the changes noted. Upon receipt of submittal comments, the applicant may contact DRC to schedule a meeting to review and address such comments in further detail. The DRC will make periodic in-progress inspections of construction to ensure compliance with the approved construction documents, plans and Design Standards. On house construction, the Builder will provide the DRC with a written NOTICE OF CONSTRUCTION at least seven (7) calendar days prior to the start of construction.

Field Changes

Should any changes of color, material or exterior elevation be necessary, it will be the responsibility of the Builder or homeowner to contact a DRC representative to explain the nature of the change and get a determination if an official DRC Review with drawings

will be required. At that point in time, direction can be given as to the next step in the process regarding such necessary field changes.

- Approval of Improvements by the DRC is for aesthetic purposes only. It is the homeowner's responsibility to see that all federal, state, and local ordinances and codes are followed. Permits may be required by a County, Town, or other governmental agency.
- The DRC will be responsible for all front, side and rear yard landscape reviews and final approvals and they will use these Design Standards as their tool for reviews.
- The reviews will be done in a timely manner and the DRC agent will be in direct contact with each homebuyer.

SUBMITTAL REQUIREMENTS

Architecture/Building Changes

Each submittal must include the following:

- Erie Highlands Design Review Request Form - 1 copy
- Plans and specifications, including color scheme and samples (if applicable) - 1 copy
- The minimum size requirement for a plan submittal is 8 ½" x 11".
- The plan must be drawn to scale indicated on plan.
- Provide owner's name, address, and Builder on each plan.
- Indicate the location of the bottom of any slope and the top of any slope, if applicable for architectural Improvements.
- Accurately show the footprint of your Residential Site, including lot lines, existing fences and/or walls, and existing utilities for both architectural and landscape improvements. This information may be available from the Builder or from local Town planning agencies.
- For hardscape improvements show proposed new and existing: paving, wall, fences, pools, patio covers, drainage, and structures accurately described as to material, length, height, and angles.
- Indicate the nature, kind, shape, dimensions, materials, color, finish and location for all proposed Improvements.
- Provide a description of the materials to be used, including the proposed color scheme for all proposed Improvements. Attach samples.
- Grading plans (if applicable for architectural and landscape Improvements), which show where the established drainage pattern may be altered by the proposed Improvements. Indicate locations of drainage devices and curb cores. Alterations to any drainage pattern requires Engineering Drainage Certificate, which will be the responsibility of the homeowner.
- Any other information as requested by the DRC.

Landscape Plan (Initial Design or Amendment) – Front, Side or Rear Yards

Each submittal must include the following:

- Erie Highlands Design Review Request Form - 1 copy
- Plans and specifications, including color scheme and samples (if applicable) - 1 copy
- The minimum size requirement for a plan submittal is 8 ½" x 11".
- The plan must be drawn to scale indicated on plan.
- Provide owner's name, address, and Builder on each plan.
- Indicate the location of the bottom of any slope and the top of any slope, if applicable for both architectural and landscape Improvements.

- Accurately show the footprint of your Residential Site, including lot lines, existing fences and/or walls, and existing utilities for both architectural and landscape improvements. This information may be available from the Builder or from local Town or County planning agencies.
- For hardscape improvements show proposed new and existing: paving, wall, fences, pools, patio covers, drainage, and structures accurately described as to material, length, height, and angles.
- Indicate the nature, kind, shape, dimensions, materials, color, finish and location for all proposed Improvements.
- Provide a description of the materials to be used, including the proposed color scheme for all proposed Improvements. Attach samples.
- Grading plans (if applicable for architectural and landscape Improvements), which show where the established drainage pattern may be altered by the proposed Improvements. Indicate locations of drainage devices and curb cores. Alterations to any drainage pattern requires Engineering Drainage Certificate, which will be provided by the homeowner.
- Landscape irrigation description with notes on types of irrigation.
- Location of all landscape trees, shrubs and turf areas.
- A list of the plant material that you are proposing to use for landscape submittals. This must include trees, shrubs, vines, ground covers, sizes of material and locations.

Architectural Standards

The following architectural standards should be adhered to as follows:

- Submittal to the DRC for review/approval of architectural alterations, modifications and additions is required, and shall be done before ordering materials and start of demolition or construction.
- The architectural integrity of the home's style shall be maintained in all its aspects.
- The existing architectural design details (i.e., doors, windows, cornices, roof, fascia, etc.) shall be maintained in any proposed alteration, modification or addition.
- Color and material palette changes shall be consistent with the range of palettes for the subject home's architectural style and location.
- Color samples of all paint, stain, veneers, wall materials, stone, etc. are required to be submitted to the DRC
- Existing building setbacks from the street shall not be reduced.
- Minimum rear yard building setbacks shall not be reduced.
- Where a single-story element is modified, the addition must provide a replacement single story element.
- Where an exterior wall offset is modified, the addition must provide a replacement wall offset.
- Existing room forms and roof articulation shall be emulated in a proposed addition or expansion.
- Existing variation in building height shall be emulated in any proposed alterations to the roof and roof lines, within the maximum permitted building height.
- Modifications to Diverters/Gutters/Down Spouts must be submitted to the DRC for review and approval. Such Improvements shall be colored to match adjacent surfaces to which they are attached or consist of a material that matches the architectural style of the home and shall be tied to the yard drain system.

- Timely construction of DRC approved Improvements is required. Architectural Improvements must be completed within 12 months.

DECKS, BALCONIES AND COVERED PATIOS

The design of elevated decks, balconies and covered patios including colors and materials should be consistent with the main structure. All vertical elements (railings, supports and columns, fascia and overhead structures) should be finished consistent with the exterior architectural style. Columns and/or supports are encouraged to appear substantial and proportionate to the building mass of the home.

Refer to the Town's regulations regarding encroachments into rear and side setbacks for landings, decks, stairs and balconies. Typically, unroofed structures are allowed to encroach more so than roofed projections.

ACCESSORY STRUCTURES

Accessory structures are not allowed in Erie Highlands per the approved platting and Town Code. Prohibited structures include:

- a. Cabanas and Pool Houses
- b. Guest Casitas
- c. RV Tarps or Shelters
- d. Detached Garages (unless platting allows)

Note: Storage sheds, play equipment, pergolas and small gazebos are permitted but must be approved by the DRC and all appropriate permits obtained. See Storage Sheds and Play Equipment sections for more information.

Residential Landscape Standards

CHARACTER

The Erie Highlands community is designed to be complementary to the high plains and mountains of Colorado. The landscape in common areas throughout the community emphasizes drought-tolerant and native plant species. Homeowners and builders are encouraged to continue this style of design and use of plant materials in the yards around the homes.

Water Efficiency / Xeric Landscape Principles

Landscape improvements are strongly encouraged to be designed with water efficiency as a major goal. The following design treatments should be kept in mind when designing a water efficient landscape:

- Appropriate turf selection
- Use of mulch to maintain soil moisture
- Zoning of plant materials according to their light and water needs
- Improvement of the soil with organic matter
- Efficient irrigation systems
- Proper maintenance and irrigation schedules
- Recirculation of water for decorative water features

GENERAL LANDSCAPE

Landscape Materials

- Plant material for your landscape shall be selected from the approved plant palette located in the appendix.
- Trees, Shrubs, Ornamental Grasses and Perennials must be healthy and of good quality when planted. They must meet the minimum size requirements noted below.
- Rock: No white rock or two or more types that are high contrasting colors of rock shall be used. Recommended varieties include mountain granite, local river rock and Colorado rose. No lava rock is allowed.
- Boulders: Must be native to Colorado and must be approved by the DRC.
- Mulch: Wood mulch color shall be natural with pieces no larger than 3". Shredded cedar mulch, rubber mulch or black composite organic mulch are all allowed. High contrasting mulches will be prohibited.
- Edging: Edging is limited to heavy (wide gauge) steel, concrete, brick or stone on a foundation.
- Rock and mulch must use fabric weed barrier and edging.
- Turf is not to be planted immediately adjacent to or within five (5) feet of the foundation. A bed of rock mulch must be provided between the house and any turf areas.
- Artificial plants and grasses are prohibited as a means of complying with the landscape requirements and are not allowed in front yards.
- Vegetable gardens are allowed in the rear yard or applicably sized side yards.

Minimum Plant Sizes

- Canopy Trees - 2-inch caliper at time of installation.
- Ornamental Tree - 1 ½ inch caliper at time of installation.
- Evergreen Trees – 8 feet height at time of installation.
- All trees must be staked or guyed using metal T-post or wood lodge pole stakes. Guy wires must be maintained by the homeowner to keep all newly planted trees set plumb. Posts and stakes can be removed after 2 years from installation.
- Shrubs- 5-gallon container.
- Perennials or Ornamental Grasses – 1-gallon container.
- Please see attached approved planting material lists for recommended plant material.

Maintenance

Landscaped areas shall be kept in a well-maintained, safe, clean, and attractive condition at all times. This includes:

- Landscaped areas shall be kept free of trash, litter, weeds, and othersuch materials or plants not part of the landscape.
- All live plant material shall be maintained in a healthy and growing condition and must be replaced with live plant material of similar variety and size.
- The owner or tenants shall provide all regular and normal maintenance of landscaping including weeding, irrigation, fertilization, pruning and mowing.

Other Standards

- A permanent automated irrigating system must be installed, but no piping or sprinkler heads shall be within five (5) feet of foundation walls or slabs.
- Hardscape elements such as concrete, brick, stone, etc. on front and side or rear yards must match or compliment the exterior colors and materials of the home.
- Existing street tree irrigation and trees must not be modified and shall be maintained as installed.
- Modifications to builder installed front or side yard landscaping shall be submitted to the DRC for approval.

FRONT YARD LANDSCAPE (DOES NOT INCLUDE TREELAWN, SEE PAGE 15 FOR SEPARATE TREE LAWN REQUIREMENTS)

- Front yard landscaping is required and must be installed prior to occupancy or by June 30th of the following year if occupancy occurs between October 1 and March 31.
- Paving - 4' wide minimum entry walkways. Curved or angled walkways are encouraged to provide planting areas between porches and walkways.

Quantities

- A minimum of 75% of the front yard area, excluding driveways, shall be landscaped with live plant materials. This may include a combination of natural turf, trees, shrubs, perennials, and ground covers. Rocks and mulch should cover the remaining portions of the front yard.
- Natural turf lawns may not exceed 50% of the non-paved area of the front yard.

Interior lots less than 60 feet wide

- Front Yards shall have a minimum of:
 - 1 Tree (evergreen, shade or ornamental)
 - 5 Shrubs
 - Natural turf
 - Automatic irrigation system

Or

- 2 Trees (evergreen, shade or ornamental)
- 12 Shrubs
- No turf
- Automatic irrigation system

Corner lots less than 60 feet wide

- Front Yards shall have a minimum of:
 - 1 Tree (evergreen, shade or ornamental)
 - 8 Shrubs
 - Natural turf
 - Automatic irrigation system

Or

- 2 Trees (evergreen, shade or ornamental)
- 16 Shrubs
- No turf
- Automatic irrigation system

Interior lots greater than 60 feet wide

- Front Yards shall have a minimum of:
 - 1 Tree (evergreen, shade or ornamental)
 - 6 Shrubs
 - Natural turf
 - Automatic irrigation system

Or

- 2 Trees (evergreen, shade or ornamental)
- 14 Shrubs
- No turf
- Automatic irrigation system

Corner lots greater than 60 feet wide

- Front Yards shall have a minimum of either
 - 1 Tree (evergreen, shade or ornamental)
 - 8 Shrubs
 - Natural turf
 - Automatic irrigation system

Or

- 2 Trees (evergreen, shade or ornamental)
- 16 Shrubs
- No turf
- Automatic irrigation system

TREE LAWNS

- The tree lawn, which is defined as the space between the curb and the sidewalk, is a key element to the overall neighborhood street scene. Street tree species have been selected for their ability to reinforce the neighborhood theme and compliment the architectural scale of the neighborhood. Trees will be planted by the Builder in the neighborhood areas at a frequency to ensure a visible street program. This may result in more than one tree per Residential Site.
- Tree lawns are part of the street right-of-way but are to be maintained by the adjacent owner, therefore all homes are required to maintain the tree lawn that fronts their property. Feeding, maintaining, and irrigating the trees and landscaping in the tree lawn is the homeowner's responsibility.
- The homeowner may not remove or relocate the trees in the tree lawns.
- If any tree in a tree lawn requires replacement, the homeowner must replace the street tree in the same location with a tree of the same variety unless otherwise approved by the DRC.
- Existing street tree irrigation must be maintained as installed.
- One (1) deciduous or ornamental street tree shall be planted for every 40 linear feet of street frontage, with a minimum of 2 trees for lots that have a width of 60 feet or greater.
- Corner lots shall have an additional two (2) trees planted on the side tree lawn.
- Live groundcover is required, this may include grass, perennials and/or shrubs. The 75% of live material requirement for front yards applies in the tree lawn.
- Tree lawns covered with only gravel are prohibited.

REAR AND SIDE YARD LANDSCAPE

Rear and side yard combined must have a minimum of 50% of the ground plane landscaped with live plant material.

- One (1) canopy tree, ornamental tree or evergreen tree is required per rear yard.
- Four (4) shrubs total are required for the rear and side yard combined.
- Large areas of rock or wood mulch without shrub or flower plantings is prohibited in the rear yard.

Specific Site Improvements

ADDRESS SIGN

- All homes must have a house number visible from the street and all house number(s) replacing the original number(s) do not need DRC approval as long as they do not exceed six (6) inches in height and the entire area of the sign shall not exceed 1 square foot. Acceptable materials shall include, but are not limited to, wood, ceramic tile, and metal.

ARTIFICIAL PLANTINGS

- Artificial turf, plants and grasses are prohibited as a means of complying with these Design Standards and are prohibited in the front yard.

BASKETBALL BACKBOARDS

- No permanent basketball goals, hoops, backboards or nets shall be installed in the frontyard of a Residential Site. Permanent basketball goals, hoops, backboards or nets may be installed in the rear or side yard of a Residential Site without DRC approval if they are at least 5' from any fencing and do not make use of neon color tones. Permanent basketball backboards may not exceed twelve feet (12') in height.

DECKS

- Unroofed decks may project into a required setback, please refer to the Town of Erie development code for the limits and requirements. Submittals for review should include dimensions, material descriptions and drawings showing the extents, heights and materials of the proposed deck.
- The design of elevated decks, balconies and covered patios including colors and materials should be consistent with the main structure. All vertical elements (railings, supports and columns, fascia and overhead structures) should be finished consistent with the exterior architectural style. Columns and/or supports are encouraged to appear substantial and proportionate to the building mass of the home.

DRAINAGE

- DRC approval of plans does not constitute acceptance or responsibility of any technical, engineering, structural or drainage specifications. The function of the DRC is to review submittals as to aesthetics. All technical engineering, structural, or drainage matters are the responsibility of the homeowner.
- Approved plans are not to be considered authorization to change the original drainage plan as installed by the Builder and approved by the applicable governmental agency.
- For hardscape improvements show proposed new and existing: paving, wall, fences, pools, patio covers, drainage, and structures accurately described as to material, length, height, and angles.

- Grading plans (if applicable for architectural and landscape Improvements), which show where the Established Drainage Pattern may be altered by the proposed Improvements. Indicate locations of drainage devices and curb cores. Alterations to any drainage pattern requires Engineering Drainage Certificate, which will be the responsibility of the homeowner.

DRAINS

- Area and planter drains must be installed for adequate drainage to permit the plants to survive and minimize the ponding of water. There shall be no interference with the established drainage patterns over any Residential Site, or common area, without approval by the DRC. The landscape irrigation system should be designed to prevent excessive saturation of soils. Planters created by walkways next to a Residential Site should connect to a collector line which positively drains to the street.

EXTERIOR LIGHTING

- Exterior lighting must be of low illumination level. Dark sky lighting principles should be utilized. Exterior solar low illumination lighting is pre-approved and does not need DRC approval. All other exterior lighting must have DRC approval.
- The dark sky principle is a way of using lighting (or the lack of lighting) to eliminate pockets of dark and light. Contrasting pockets of dark and light causes users' eyes to adjust more slowly as they pass in and out of these areas. The goal of dark sky lighting is to see the thing being lit (the house/porch) and not the light itself. The human eye automatically focuses on the brightest light source in range and adjusts to that accordingly. When you eliminate glare and create an environment with relatively even light levels, the human eye can see very clearly in much less light than you would imagine.

EXTERIOR PAINTING

- The Residential Site home exterior may be repainted without DRC approval so long as it is painted to match the existing approved paint colors of the home. Any change that deviates from the approved color of the home must receive written approval of the DRC.

EXTERIOR SHUTTERS

- DRC approval is not required to replace exterior shutters if the new shutters match existing shutters, as installed by the Builder, in style and color.

EXTERIOR STAIRS

- The location, material, and color of new exterior stairs shall be compatible with the existing home. Stair supports must be designed as integral parts of the house. Prefabricated metal stairs may be permitted if they are compatible with the architecture of the home. The addition of any exterior stair system must have DRC approval.

FENCES

- Fences must be located within or on the property lines and maintained by the property owner.
- Fences of chain link, poultry wire, aluminum, sheet metal, plastic, fiberglass, reeds, straw, bamboo, rope and other similar temporary or commercial materials are not permitted.
- No double fences shall be allowed along the same property line.
- Community perimeter fencing bordering District Property shall not be replaced with any other type of fencing other than what was installed by the Builder or the District.
- Fences adjacent to sidewalks are required to be at least 12 inches from the edge of the walk.

- Fencing on the street side and at the front of the side yard of corner lots should be installed by the builder at time of Front Yard Landscaping.
 - Corner lot fencing should be six-foot (6') height tan vinyl privacy fence unless shown otherwise on the Fencing Plan and/or adjacent to a landscape or open space area. In that case, it shall be the 42" open rail almond vinyl fencing.
 - Fencing between lots is "interior rear yard fencing" as noted in the following notes and as shown in the Appendix.
- Interior rear yard fencing shall be six-foot (6') height tan vinyl privacy fence.
- Lots with open rail fencing shall provide a transition panel from the six-foot privacy fence to the four-foot open rail fence.

See Appendix for additional detail on fencing types.

FLAG POLES

- The installation of flag poles shall be submitted to DRC review and approval. Flagpoles must be no higher than 20 feet from the ground when affixed to the ground, and are limited to not more than 2 total flagpoles per residence. Flags may only be displayed on an approved flagpole.

GARDEN ART – FRONT YARD

- Must be submitted to the DRC for approval if the front yard garden art exceeds 2' in height. Photo required for submittal.

GARDEN WINDOW

- Must be submitted to the DRC for review and approval. This is considered an architectural improvement.

GROUND & GARDEN LEVEL DECKS

- Must be submitted to the DRC for review and approval.

HEIGHTS – MAXIMUM

- The maximum building heights of all Improvements shall be consistent with the Town regulations.

HOLIDAY LIGHTING

- Placement and display of winter holiday lighting is permitted without DRC approval from November 15th through January 31st, only. Holiday lighting must be removed by January 31st. All other lighting associated with other holidays must be removed within 2 weeks of the holiday (i.e., Halloween).

IRRIGATION

- The owner shall install, operate and maintain an automatic irrigation system for all landscaped areas of the Lot requiring water, including turf and shrub bed areas.

LAMP POSTS

- Must be submitted to the DRC for review and approval.

PATIOS

- Paved patios may project into setbacks, provide that no structures are placed upon them within that setback.

PET ENCLOSURES

- Pet enclosures (i.e., dog runs) must be submitted to the DRC for review for all Residential Sites. Standard type dog houses are allowed and do not need DRC approval as long as they do not exceed 4' in height and are screened from adjacent homes and the street.
- Pet Enclosures should not be any higher than adjacent fencing. Four feet when adjacent to open rail fencing, or six feet when adjacent to interior or perimeter fencing.
- Chain link enclosures are not allowed.
- Wire mesh may be attached to existing open rail fencing to enclose small pets using the following criteria:
 - Wire fencing shall not exceed the height of the top horizontal rail of open rail fencing. Wire fencing may extend below the bottom horizontal rail to ground level or shall terminate at the bottom of the bottom horizontal rail of open rail fencing.
 - Wire fencing shall be attached to the open rail fencing rails using secure fasteners located no more than 12" on center and fasteners shall be of a material coated to prevent rust and staining of vinyl.
 - Wire fencing shall be installed on the homeowner yard side of the open rail fencing.
 - The wire fencing type should be 14 Gauge Galvanized Welded Wire Fence with 2" x 4" openings available through many manufacturers.

PLAYGROUND EQUIPMENT

- **Playground Equipment** means any kind of equipment, structure or apparatus which is designed for play-like activities such as climbing, swinging, hanging, crawling, jumping, stepping, whether over, across, under, through or upon for enjoyment, exercise and/or recreation, such as playsets, swings, slides, climbers, overhead ladders, tire swings, composite structures, educational panels, sandboxes, trampolines and creative play accessories.
- No permanent playground equipment shall be installed in the front yard of a Residential Site. Permanent playground equipment may be installed in the rear or side yard of a Residential Site without DRC approval if they are at least 5' from any property line and do not make use of neon color tones. Playground equipment may not exceed 9' in height.

POOLS AND SPAS

- Above-ground pools are not allowed.
- Spas and similar water features such as hot tubs are permitted in rear yards (or side yards if they are wide enough) without DRC approval if they are at least 5' from any fencing, are toned in color to compliment the exterior of the home or are screened with landscaping. A spa or other similar water feature must not damage existing walls or fences. All equipment shall be completely screened from view from publicly visible areas, and all reasonable efforts to minimize noise must be undertaken by the homeowner.
- Swimming pools must be submitted to the DRC for review and approval.
- Privacy structures and fencing for pools and spas require DRC approval for all Residential Sites. Privacy structures and fencing should complement the exterior style and color of the home and/or existing fencing.

RAMPS- HANDICAP

- Ramps may potentially encroach into setbacks. The design and placement shall be reviewed by the DRC and the Town to ensure that the ramp has minimal visual impact on abutting properties.
- The width of the ramp shall not exceed 48 inches.

SATELLITE DISHES/ANTENNAE

- All satellite dishes, MMDS antenna (an antenna designed to receive (wireless cable) programming services via multichannel), multipoint distribution services; and DBS antenna (an antenna designed to receive direct broadcast satellite service) must be one (1) meter (39") in diameter or less are permitted and do not require DRC approval.
- Antenna larger than one (1) meter (39"), except TVBS antenna (an antenna designed to receive over-the-air television broadcast signals) are generally prohibited and must be submitted to the DRC to be reviewed on a case-by-case basis

SCREEN/STORM DOORS

- Screen doors on the front door entrances shall be a neutral color or painted to match the color of the home and the style must conform to the architectural character of the home. Screen doors do not need DRC approval if these criteria are met.

SOLAR ENERGY SYSTEMS

- Each homeowner may install a solar energy system which serves his/her Residential Site so long as (a) the design and location of the solar energy system meets the requirements of all applicable governmental ordinances and (b) said design and location receive the prior written approval of the DRC.
 - Energy systems must be integrated into the roof design, to respond to the roof slope, and designed to minimize the profile of the collector.
 - Frames must be colored to compliment the roof.
 - Natural aluminum frames are prohibited.
 - Support for solar equipment shall be located in a manner which minimizes visual and noise impact.

STORAGE SHEDS / UTILITY BUILDINGS - CUSTOM

- Custom storage sheds, utility buildings, gazebos, playhouses, etc., must be submitted to the DRC for approval and must adhere to the following:
 - Be constructed as a permanent Improvement on a concrete foundation.
 - Match the same color as the home or be complimentary in nature.
 - Plant material must be used to soften the look of the structure, be planted within 30 days, and continuously maintained thereafter.
- Structures over 120 square feet shall meet the following standards:
 - Must secure Town of Erie Building Permit and follow all Town of Erie Building Codes
 - Be constructed out of materials that match the home, including roofing, siding and trim.
 - Be designed to maintain the architectural style and character of the home.

STORAGE SHEDS / UTILITY BUILDINGS – PREFABRICATED

- All prefabricated storage sheds and/or utility buildings shall be in a neutral color that coordinates with the home or community fencing
- Pre-Fabricated storage sheds and/or utility buildings (i.e., Tuff Shed, Rubbermaid, similar type structures) over 4' in height must be submitted to the DRC for approval and adhere to the following:
 - Be set on a concrete or gravel foundation.
 - Plant material must be used to soften the look of the structure, be planted within 30 days, and continuously maintained thereafter.

TRASH/RECYCLE CANS

- Must be stored in the garage or screened from view of street, common areas and adjacent neighboring properties, behind the fence. Trash and Recycling cans are permitted to be on the street the day before and the day of pickup. All cans must be removed on the day of pickup and stored as designated above.

UNSIGHTLY ITEMS

- All construction materials and fencing, weeds, rubbish, debris, or unsightly materials or objects of any kind shall be regularly removed from the Residential Sites and shall not be allowed to accumulate thereon. All clotheslines, trash containers, wood piles, storage areas, machinery, and equipment shall be prohibited upon any Residential Site unless obscured from view of adjoining streets, other Residential Sites, sidewalks, homes, or District Property.

WALLS

- All walls require DRC approval.
- Decorative or utility walls (retaining, seat, etcetera) shall be located at least 3' – 5' from the property line to allow for a landscape buffer.
- Walls shall be no more than 30" high.
- Walls shall be no more than 30' in length.
- Wall materials (stone, brick, stucco, and split face block, etcetera) should be selected to match the exterior color palette of the home and color image samples must be submitted for approval.

WINDOW AWNINGS

- Awnings must be submitted to the DRC for approval. Awnings must be compatible with the color and design of the existing home. They must be simple in design and color. The size, location, and form must be in scale with the window. Awnings must be properly maintained to the satisfaction of the DRC and may not be kept when frayed, spilt, torn, or faded. Temporary sunshades attached to the outer wall of the house, patio cover, or gazebo such as rolls of bamboo, fiberglass or reed are not permitted.

WINDOW COVERINGS

- Only curtains, drapes, shutters, or blinds may be installed as permanent window covers. No aluminum foil, paint, bedroom sheets, newspaper or similar coverings deemed to be inappropriate for a window covering shall be applied to the windows or doors of any home. Homeowners may use temporary paper shades to cover windows after the close pending the installation of drapes, curtains, shutters or other appropriate interior window coverings for 60 days after closing. Window coverings do not need DRC approval.

Conditions not defined: Any condition or material not defined within these Design Standards shall become a matter of judgment on the part of the DRC.

Community Standards

TENANT GUIDELINES

- The Homeowner shall have the responsibility to acquaint their tenants and guests with the District governing Documents.
- For the purpose of these community Standards, a tenant shall be defined as anyone in possession of all or part of a Homeowner's home in exchange for any sort of consideration.

- The Homeowner will, at all times, be responsible for his or her tenant's compliance with all the provisions of the District governing documents. Penalties and other actions to correct violations will be assessed against the Homeowner even though the violation was committed by tenant.
- The Homeowner is solely responsible for payment of assessments.
- Disturbances and disorderly conduct by tenants can result in a fine or legal action against the Homeowner. Preserving the community and maintaining harmony among homeowners is the ultimate goals of the District. If a tenant is violating these goals, the Homeowner is required to take the necessary measures to correct the situation.

VEHICLE REPAIR

- No Homeowner shall conduct major repairs to any vehicle upon their Residential Site unless performed in a closed garage.