

# **DESIGN GUIDELINES**

for **CHAPEL HEIGHTS**

**Townhomes Edition**

JANUARY 1, 2021

**TABLE OF CONTENTS**

ARTICLE I General Information ..... 1

    Section 1.1 The Purpose ..... 1

    Section 1.2 Legal Authority ..... 1

    Section 1.3 Supplemental Guidelines to City, County & State Regulations..... 1

    Section 1.4 Recommendation for Professional Guidance..... 2

    Section 1.5 Non-liability ..... 2

    Section 1.6 Aesthetic Considerations ..... 2

    Section 1.7 Administration of the Design Guidelines ..... 2

ARTICLE II Design Review Procedures ..... 3

    Section 2.1 Submission of Drawings and Plans..... 3

    Section 2.2 Architectural Plan Review ..... 3

    Section 2.3 Landscape Plan and Other Site Improvements Review..... 4

    Section 2.4 Revisions and Additions to Approved Plans..... 4

    Section 2.5 Action by the AC..... 4

    Section 2.6 Certification of Accuracy..... 4

    Section 2.7 Review of Work in Progress ..... 5

    Section 2.8 Rights of Appeal ..... 5

    Section 2.9 Effect of Governmental and Other Regulations..... 5

    Section 2.10 Period of Plan Validation..... 6

ARTICLE III Improvement Standards ..... 6

    Section 3.1 Zoning ..... 6

    Section 3.2 Building Setbacks ..... 6

    Section 3.3 Maximum Building Coverage..... 6

    Section 3.4 Home Size ..... 6

Section 3.5 Streetscape Variety .....	6
Section 3.6 Grading and Drainage.....	7
Section 3.7 Erosion Control.....	7
Section 3.8 Driveways and Parking.....	7
Section 3.9 Garage Doors.....	7
Ancillary Improvement Standards .....	7
Section 3.10 Accessory Structures.....	8
Section 3.11 Air Conditioning Equipment.....	8
Section 3.12 Awnings/Patio Covers/Shutters .....	8
Section 3.13 Exterior Lighting.....	8
Section 3.14 Fencing .....	8
Dog Run Fencing.....	9
Section 3.15 Hot Tub/Jacuzzi.....	9
Section 3.16 Painting/Repainting .....	9
Section 3.17 Play and Sports Equipment .....	9
Section 3.18 Satellite Dishes/Antennae .....	9
Section 3.19 Screen/Security Doors and Windows.....	10
Section 3.20 Signs/Address Numbers .....	10
Section 3.21 Solar Equipment/Skylights .....	10
Section 3.22 Swimming Pools .....	10
Section 3.23 Trash Receptacles .....	10
Section 3.24 Yard Ornaments .....	10
Architectural Standards .....	10
Section 3.25 Architectural Style.....	10

Section 3.26 Massing.....	11
Section 3.27 Architectural Detailing.....	11
Section 3.28 Maximum Building Height.....	11
Section 3.29 Exterior Materials.....	11
Section 3.30 Roof Form & Material.....	12
Section 3.31 Decks.....	12
Section 3.32 Patios, Decks and Paving Materials.....	12
Section 3.33 Retaining Walls.....	12
Section 3.34 Vegetable Gardens.....	12
Section 3.35 Landscaping.....	12
Section 3.36 Landscape Maintenance.....	12
Miscellaneous Other Restrictions.....	13
Section 3.37 Concrete Equipment.....	13
Section 3.38 Pets.....	13
Section 3.39 Animals.....	13
Section 3.40 Pet Noise.....	13
Section 3.41 Pet Waste.....	13
Section 3.42 Subdividing of Lots.....	14
Section 3.43 Maintenance Equipment.....	14
Section 3.44 Structure Encroachments.....	14
Section 3.45 Encroachments.....	14
ARTICLE IV Construction Period Regulations.....	14
Section 4.1 OSHA.....	14
Section 4.2 Construction Hours.....	14
Section 4.3 Construction Access.....	14

Section 4.4 Excavation .....	14
Section 4.5 Debris and Trash Removal .....	15
Section 4.6 Vehicles and Parking .....	15
Section 4.7 Pets on Construction Sites .....	15
Section 4.8 Blasting .....	15
Section 4.9 Restoration and Repair .....	15
Section 4.10 Dust, Noise and Odor .....	15
Section 4.11 Prohibited Uses and Activities .....	15

ARTICLE I  
GENERAL INFORMATION

**Section 1.1 The Purpose.**

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

The Design Guidelines pertain to all site and building development and have been adopted to provide a basis for consistency of development. As such, these guidelines are just that - guidelines; clear and concise enough to give a strong direction, yet flexible enough to be adapted to different sites and different development programs. It will be the express purpose of the AC to consistently and reasonably interpret these guidelines.

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

**Section 1.2 Legal Authority.**

Authority for design review is grounded in the governing documents for this community, specifically, the Declaration of Covenants recorded against the property on January 28, 2021 (“Covenants”). Capitalized terms not defined herein shall have the meanings provided in the Covenants. Property owners should refer to the recorded Covenants for the complete text, the recorded plat and development plans, the Articles, Bylaws, Design Guidelines, Rules and Regulations (if any) and Resolutions adopted by the

Board. Under the terms of this document, the Board of Chapel Heights Metropolitan District (“District”), hereby adopts these Design Guidelines as the basis for all design review.

Should these guidelines be revised, such revisions shall then take precedence over previous versions of the guidelines. The District Service Plan grants the authority for the District to enforce the Covenants, including these Guidelines. The Covenants shall govern should any discrepancies occur between these Guidelines and the Covenants.

**Section 1.3 Supplemental Guidelines to City, County & State Regulations.**

These Design Guidelines are supplemental to regulations normally in effect for this property, including the City of Colorado Springs Zoning and Subdivision Regulations and applicable federal and state regulations as well as pertinent building codes. All construction shall comply with these Design Guidelines and all other applicable regulations.

**Section 1.4 Recommendation for Professional Guidance.**

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

**Section 1.5 Non-liability.**

AC 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 or building ordinances), and does not reflect any representation by the AC, its members, the Board, the Developer or the Declarant to assume any liability or responsibility for an applicant's engineering design compliance with any applicable laws, governmental ordinances or regulations, or any other matter relating thereto, other than these Design Guidelines. All applicants are encouraged to contact the Colorado Springs Building Department for information regarding applicable governmental requirements, regulations and permit matters. Neither the AC, its members, the Board, the District, the Developer, the Declarant, nor any of their successors, assigns, agents, employees or officers, shall be liable to any Owner or other person for any damage, loss, or prejudice suffered or claimed on account of:

1. approval or disapproval of any plans,
2. performance of any work, whether or not pursuant to approved plans, drawings and specifications; or
3. development of any property within the subdivision.

**Section 1.6 Aesthetic Considerations.**

Aesthetic considerations relating to any improvement or other matter that is addressed in these Design Guidelines are within the scope of the design review process, and the AC may deny or condition any application or request before it 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.

**Section 1.7 Administration of the Design Guidelines.**

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

ARTICLE II  
DESIGN REVIEW PROCEDURES

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

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

**Section 2.2 Architectural Plan Review.**

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

1. One set of architectural plans at a scale of 1/4"=1'0", including:
  - a. Architectural elevations (front, sides and rear).
  - b. Floor plans, including square footage for each floor.
  - c. Roof plans indicating pitches, ridges, valleys and location of mounted equipment.
  - d. Indication of all proposed exterior materials including proposed colors.
  - e. Exterior details, including items such as chimneys, exterior stairs and decks, and railings.
  - f. Any other proposed improvements (i.e., decks, awnings, hot tubs, etc.)
2. Site Plan of the lot, at a scale of 1"=20' or 1"=30', including:
  - a. Lot lines and dimensions, building setbacks, street right-of-way, curb lines and easements.

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

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

No changes allowed by individual owners to any installed landscaping.

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

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

**Section 2.5 Action by the AC.**

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

**Section 2.6 Certification of Accuracy.**

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

1. The building foundation is located as approved (+/- 6" tolerance) by the AC in the final approved plans.
2. The building foundation elevation is as approved (+/- 6" tolerance) by the AC in the final approved plans.
3. 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.

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

The AC shall have primary authority to enforce the provisions of these Design Guidelines. The AC may review all work in progress to the extent required to ensure that the construction or work complies with any and all approved plans and construction procedures. Absence of such reviews or notification during the construction period does not constitute either approval by the AC of work in progress or compliance with these Design Guidelines or the Covenants. The AC may withdraw approval of any project and require all activity at such project to be stopped, if deviations from the approved plan or approved construction practices are not corrected or reconciled within ten (10) days after written notification to the Builder or Owner specifying such deviations or such longer period as the AC may specify. Any AC visits are in addition to standard inspections required by other jurisdictions throughout the construction process.

### **Section 2.8 Rights of Appeal.**

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

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

Approval of plans by the AC shall not be deemed to constitute compliance with the requirements of any local, zoning, safety, health or fire codes, and it shall be the responsibility of the Builder, Owner or duly authorized representative submitting plans to assure compliance with all applicable rules and regulations. Nor shall any approval

waive any requirements on the part of the Builder, Owner or their representative to comply with setbacks, height restrictions, or other requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the AC and the City of Colorado Springs, where applicable.

**Section 2.10 Period of Plan Validation.**

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

ARTICLE III  
IMPROVEMENT STANDARDS

**Section 3.1 Zoning.**

Chapel Heights is a single family residential area zoned within the City of Colorado Springs.

**Section 3.2 Building Setbacks.**

Building setbacks shall comply with the site-specific setbacks shown on the Development Plan for each specific filing as approved by the City of Colorado Springs. Where lot terrain dictates, the AC may consider the City of Colorado Springs setback requirement as the minimum standard, issuing a variance. A variance to the City of Colorado Springs setbacks can only be granted by the City of Colorado Springs. A City of Colorado Springs-approved variance to the setback requirement may also require the approval of the AC.

**Section 3.3 Maximum Building Coverage.**

In conformance with the applicable Development Plan for Chapel Heights, the maximum coverage of the Lot by structure(s) shall comply with the City of Colorado Springs' development standards.

**Section 3.4 Home Size.**

The following minimum standards must be met for house size (i.e., square footage of ground floor or footprint exclusive of open porches, basements and garages)

Two story	300 square feet
Three story	300 square feet

**Section 3.5 Streetscape Variety.**

All home models and exterior colors are pre-planned and shall not be changed.

### **Section 3.6 Grading and Drainage.**

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

### **Section 3.7 Erosion Control.**

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

### **Section 3.8 Driveways and Parking.**

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

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

### **Section 3.9 Garage Doors.**

Garage doors shall be kept closed except when being used to permit ingress and egress to or from the garage in an effort to deter unwanted neighborhood theft and maintain a pleasing appearance at the front of the residence, unless the garage is being actively attended for cleaning, etc.

### **Ancillary Improvement Standards**

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

### **Section 3.10 Accessory Structures.**

No Accessory Structures including, but not limited to sheds, gazebos, carports, greenhouses, are not allowed.

### **Section 3.11 Air Conditioning Equipment.**

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

### **Section 3.12 Awnings/Patio Covers/Shutters.**

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

### **Section 3.13 Exterior Lighting.**

AC approval is required to change or add any exterior lighting. In reviewing lighting requests, the AC will consider the visibility, style, location and quantity of the light fixtures. Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties.

### **Section 3.14 Fencing.**

**No fencing other than fencing installed by the developer is allowed**

1. All solid rear yard fencing shall be five (5) feet tall and constructed of tan, sand or almond colored vinyl (or PVC) fencing placed without spacing.
2. The maximum height of a lot fence is 5'. Where a lot fence meets a community wall, the lot fence must be at or below the community wall height for a minimum of 8'. Vinyl fences should slope rather than step to accommodate grade changes.
3. Solid wing fencing must be set back a minimum of 15' from the front corner of the home. Typical location should be within 5' of the rear of the home. Wing fencing should match the setback of existing wing fencing on the adjacent property where feasible.
4. Fencing must be set back a minimum of 15' from the back of curb of all streets or 5' from the back of sidewalk, whichever is greater.

5. Fencing must be maintained in a like-new condition. Individual lot owners are responsible for the maintenance of their lot fencing and the inside of Community walls on their Lot.

Dog Run Fencing: The AC encourages the use of underground (“invisible” dog run fences to promote the open character of the neighborhood.

### **Section 3.15 Hot Tub/Jacuzzi.**

Not allowed.

### **Section 3.16 Painting/Repainting.**

AC approval is required for all exterior painting or repainting of the home and accessory improvements, except repainting in the same colors. The submittal must contain the manufacturer’s paint chips with name and code number. Approval will take into consideration, but not be limited to, the color tone and brightness, the home’s architecture, stone or brick accents, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties. All exterior finishes should be subdued earth tones such as gray, green, brown, muted blues or other similar colors. White, primary colors, and other bright colors shall be permitted as accent colors only. Downspouts must be painted to match the body or trim color of the home. Unpainted or peeling or blemished exterior finish surfaces must be repainted within 30 days of being observed.

### **Section 3.17 Play and Sports Equipment.**

Not allowed.

### **Section 3.18 Satellite Dishes/Antennae.**

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

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

### **Section 3.19 Screen/Security Doors and Windows.**

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

### **Section 3.20 Signs/Address Numbers.**

One (1) temporary sign advertising the real property for sale which is no more than six square feet in size, the style of which is compatible with the appearance of Chapel Heights, may be installed on the Lot without AC approval. At no time may such signage be installed upon any common area or fencing.

All trade signs, which include, but are not limited to, landscaping, painting, remodeling, etc., may only be displayed while work is in progress and must be removed upon completion of the job. The AC, on a case-by-case basis, shall consider a request for placement of one additional temporary sign due to unique circumstances. The AC must approve all other signs, including address numbers and nameplate signs. The AC, on a case-by-case basis, will consider lighted signs.

### **Section 3.21 Solar Equipment/Skylights.**

AC approval is required for installation of all solar equipment and skylights. Solar equipment and skylights shall be incorporated into the structure and building's mass and be architecturally compatible with the residence.

### **Section 3.22 Swimming Pools.**

Intentionally deleted.

### **Section 3.23 Trash Receptacles.**

Owners are to store their trash containers in the garage.

### **Section 3.24 Yard Ornaments.**

Yard ornaments, including but not limited to, birdbaths, birdhouses, fountains, sculptures, statues, flags and banners, etc. require AC approval. Location of yard ornaments in the front yard is discouraged. Flagpoles shall be considered on a case by case basis. Owners may display American flags in accordance with the Federal Flag Code. Owners may not display more than one (1) political sign per ballot issue or office and not earlier than 45 days before and seven days after any election.

## **Architectural Standards**

### **Section 3.25 Architectural Style.**

No mandatory architectural style is required for Chapel Heights. 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.

### **Section 3.26 Massing.**

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

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

### **Section 3.27 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 eaves and offset wall planes window shutters, well-proportioned porches with brackets, trellises and arbors, decks, detailed fascias, belly bands, etc.

### **Section 3.28 Maximum Building Height.**

Building height and profile should be in scale with the surrounding structures and topography. The maximum building height shall be in conformance with the City of Colorado Springs development standards.

### **Section 3.29 Exterior Materials.**

To anchor the residence to the site and provide a continuity of materials. An exception to this shall be made for homes clad entirely with stucco or a home that is well detailed. Wrapping building masses, expressing chimneys and detached columns in stonework adds visual interest. Use of bright, unfinished, colored, and reflective or mirrored surfaces or glass is not permitted. Exposed concrete foundation walls shall be minimized by grading, retaining walls or landscaping. The maximum width of masonry or wood lap siding is nine inches (9").

### **Section 3.30 Roof Form & Material.**

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

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

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. must be carefully located and finished to complement other elements of the design.

### **Section 3.31 Decks.**

Decks must maintain the overall form and be a natural extension of the architecture. Deck supports must have a substantial scale that visually anchors them to the ground and should be a minimum of 4"x 4" in size. Decks are not allowed as additions by homeowners after initial construction of home.

### **Section 3.32 Patios, Decks and Paving Materials.**

Not allowed beyond original builder provided areas.

### **Section 3.33 Retaining Walls.**

Retaining walls may be used to accommodate or create changes in grade. Walls must be properly anchored to withstand overturning forces and should incorporate weep holes into the wall design to permit water to be released behind them. Walls should not exceed four feet in height unless specifically approved and should be located so as to not alter existing drainage patterns.

The use of rock boulders, stone, and/or masonry is required. Retaining Walls must be approved by the AC prior to installation.

### **Section 3.34 Vegetable Gardens.**

Not allowed.

### **Section 3.35 Landscaping.**

No changes to builder and/or developer installed landscaping.

### **Section 3.36 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 removed of trash. *This service is provided by the District.*

### **Miscellaneous Other Restrictions**

#### **Section 3.37 Concrete Equipment.**

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

#### **Section 3.38 Pets.**

Domesticated birds or fish and other small domestic animals permanently confined indoors will be allowed. No other animals, except an aggregate of not more than four (4) domesticated dogs or cats (which must be fenced or restrained at all times within the Lot), will be permitted within the Property. No animal of any kind shall be permitted which, in the opinion of the AC, makes any unreasonable amount of noise or odor is a nuisance and as further outlined in the Covenants.

#### **Section 3.39 Animals.**

No animals shall be kept, bred, or maintained within the Property for any commercial purposes. Pets are not to be allowed to run freely throughout the community, whether unattended or under the direct control of its owner. When off an Owner's Lot, all Pets must be leashed with the leash in the hands of a responsible individual. In accordance with City code, animals must be kept under control for their own protection and to preserve the public's health and safety. Dogs, cats, and other animals found off the owner's or keeper's property are called strays and may be impounded. The owner or keeper may also be fined pursuant to City code and the Covenants.

#### **Section 3.40 Pet Noise.**

Incessant barking can be very disturbing to the peace and quiet of a neighborhood. In addition, it is a violation of City code to harbor such a disturbance. City code states it shall be unlawful for any person to own or keep any pet which by barking, howling, yelping, crying, or other utterance disturbs the peace and quiet of the neighborhood. If such barking occurs, residents are encouraged to contact the City of Colorado Springs for enforcement of the City's code.

#### **Section 3.41 Pet Waste.**

Pet owners are expected to pick up and properly dispose of any feces deposited by their dogs within the Community Area. An additional assessment of \$20.00 may be imposed for each failure of a member (or any of their family, guests, or invitees) to pick up and properly dispose of any feces left in the Community Area by any dog owned by them or under their control. This assessment is intended to defray the actual cost incurred by the

District in removing dog feces from the Community Area and to repair damaged caused to landscaping, etc.

**Section 3.42 Subdividing of Lots.**

No lot may be subdivided into two or more lots.

**Section 3.43 Maintenance Equipment.**

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

**Section 3.44 Structure Encroachments.**

Encroachments of structures or any other item onto an District Property will not be allowed.

**Section 3.45 Encroachments.**

Encroachments onto District Properties will not be allowed.

ARTICLE IV  
CONSTRUCTION PERIOD REGULATIONS

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

**Section 4.1 OSHA.**

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

**Section 4.2 Construction Hours.**

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

**Section 4.3 Construction Access.**

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

**Section 4.4 Excavation.**

Excess excavation material shall be removed from the property and shall not be placed in common areas or on roads. Excavation, except for utility trenching, shall be on the Owner's home site only. Contractors are prohibited from spreading excess debris or

material over the remainder of the home site, roadway, other property, or any other home site without approval. Extreme care shall be taken by Builders and Owners to protect and preserve existing vegetation and other natural features on their lots.

#### **Section 4.5 Debris and Trash Removal.**

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

#### **Section 4.6 Vehicles and Parking.**

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

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

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

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

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

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

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

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

Every effort shall be made to control dust, noise (including the personal use of radios, 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.

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

The following items are prohibited in this community:

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

# Architectural Request for Home Improvement For Chapel Heights Townhomes

---

NO LANDSCAPING, FENCING, OR PATIO CHANGES ALLOWED, NO ACCESSORY STRUCTURES ALLOWED, NO CHANGES TO EXTERIOR COLOR ALLOWED

The Architectural Committee shall approve or disapprove all requests within thirty (30) days after receipt of a complete submission. Please complete and forward two (2) copies of this request, along with two (2) copies of your proposed home improvements plans to:

Chapel Heights Architectural Committee  
c/o  
CLA Colorado Springs  
111 S. Tejon St, Ste 705  
Colorado Springs, CO 80903-2245

**(Owner submitted plans for work conducted after closing should be accompanied by a non-refundable \$50 check payable to the management company for AC plan review)**

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

I would like to request approval for the following improvements to my property (attach additional pages as needed):

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

---

We estimate starting these improvements on \_\_\_\_\_

We estimate completion of these improvements on \_\_\_\_\_

-----  
Owner Signature

-----  
Date

-----  
Owner Signature

-----  
Date