

# **RAINDANCE COMMUNITY ASSOCIATION, INC.**

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GUIDELINES AND USE STANDARDS FOR  
ARCHITECTURAL AND DESIGN REVIEW

**Adopted by the Board of Directors**

**Updated: March 27, 2019**

## INTRODUCTION

**DESIGN GUIDELINES.** These Design Guidelines establish certain acceptable designs for different types of proposed Improvements. These Design Guidelines apply to property in the Community, and are intended to assist the Owners and their design consultants as a guide and framework. The Design Guidelines will also be used by the Architectural Review Committee (“ARC”) in reviewing design proposals and determining their relative conformance to the overall design objectives and criteria. The Design Guidelines are created to complement and clarify the Declaration of Covenants, Conditions and Restrictions for Raindance Community Association, Inc., (“Declaration”). They are supplementary to all of the terms and provisions of the Declaration, and shall remain in full force and effect.

The Architectural Review Committee may propose Design Guidelines or revisions or amendments thereto, which may be approved by the Board of Directors, at any time and from time to time. Without limiting the generality of the foregoing, any such Design Guidelines may contain guidelines to clarify the types of designs and materials that may be considered in design approval, may state requirements for submissions in order to obtain review by the Architectural Review Committee, may state procedural requirements, or may specify acceptable Improvements that may be installed without prior approval of the Architectural Review Committee.

**IMPROVEMENTS TO BE SUBMITTED.** No Improvement may be constructed, erected, placed, altered, planted, applied, installed or modified, upon any Lot, unless the Improvement is in full compliance with all provisions of the Governing Documents. Prior to constructing, erecting, placing, altering, planting, applying, installing or modifying an Improvement upon any Lot, the Owner of the Lot (or the board of directors of any owners association formed related to any Condominium Lot or the board of directors any other owners association formed with respect to any portion of the Property and which is responsible for the maintenance of the portion of the Lot upon which the Improvement is to be constructed, erected, placed, altered, planted, applied, installed or modified) must submit plans and specifications for the proposed Improvement to the Architectural Review Committee for review and consideration, and then receive approval in writing from the Architectural Review Committee, all in accordance with the Design Guidelines and/or Rules and Regulations.

**COMMITTEE.** The Architectural Review Committee shall exercise its reasonable judgment in an attempt to provide for each proposed Improvement to generally harmonize with the existing surroundings, residences, landscaping and structures. In its review of such plans, specifications and other materials and information, the Architectural Review Committee may require that the applicant(s) pay an architectural fee and/or reimburse the Architectural Review Committee for the actual expenses incurred by the Architectural Review Committee in the review and approval process. Such amounts, if any, shall be collectible by the Association in the same manner as Assessments.

**PROCEDURES:** The Architectural Review Committee will review and approve in writing (which may be with conditions and/or requirements), or disapprove, each request for architectural approval within forty-five (45) days after the Architectural Review Committee advises the Owner in writing that it has received plans and specifications and other materials and information which the Architectural Review Committee may require in conjunction therewith in accordance with the design review procedures set forth in the Design Guidelines or the Rules and Regulations. If the Architectural Review Committee fails to review and approve in writing (which may be with conditions and/or requirements), or disapprove, a request for architectural approval within forty-five (45) days after such notice to Owner, such request is deemed denied by the Architectural Review Committee.

All improvements approved by the Architectural Review Committee must be commenced within three (3) months from the date of approval. If not commenced within such time, then such approval shall be deemed revoked by the Architectural Review Committee, unless the Architectural Review Committee gives a written extension for commencing the work. Additionally, except with written Architectural Review Committee approval otherwise, and except for delays caused by strikes, fires, national emergencies, critical materials shortages or other intervening forces beyond the control of the Owner (or the owners association performing the work, pursuant to Section 6.2(a) of the Declaration), all work approved by the Architectural Review shall be completed within three (3) months of commencement, or within such time as otherwise specified in the approval from the Architectural Review Committee.

The Architectural Review Committee and the Board of Directors have the right to inspect any Improvement at any time, including prior to or after completion, to determine whether or not the proposed Improvement is being completed or has been completed in compliance with the approval granted.

**EFFECT OF OTHER GOVERNMENTAL REGULATIONS.** Use of any property in the Community and any Existing Improvements and Proposed Improvements must comply with applicable building codes and other governmental requirements and/or regulations. **Approval by the Architectural Committee will not constitute assurance that existing Improvements or proposed Improvements comply with applicable governmental requirements and regulations, or that a permit or approvals are not also required from applicable governmental bodies.**

# GUIDELINES AND STANDARDS FOR ARCHITECTURAL AND DESIGN REVIEW

## RainDance Community Association, Inc.

- Accessory Structures** Approval is required prior to installation. No outbuilding or temporary structure, including sheds, trailers, mobile homes, tents, shacks, barns or detached garages or carports, shall be allowed on any Residential Lot. All other structures, such as pergolas and play equipment will be evaluated on their individual merit, intended use, location on lot and appearance. Samples, brochures, photographs, materials description, and a plot plan showing the proposed structure TO SCALE are required. Structures should be placed to avoid unreasonable impact into neighboring yards. Owners are responsible for ensuring that no structures may be installed in any District or Town easements.
- Additions & Remodeling** Approval is required prior to installation. Additions, expansion, or remodeling which will alter the exterior of any residence must include detailed plans, specifications, including a description of materials to be used and plan and elevation drawings showing dimensions, setbacks, roof slopes, etc. All plans for such improvements must match the overall theme of the residence. Those that do not will automatically be denied. All work is subject to obtaining the required permits from the Town of Windsor.
- Address Numbers** Approval is not necessary if replacement of address numbering matches exactly to existing numbering. Approval is required to replace or relocate existing address numbers with anything of different shape, size, texture, etc.
- Advertising** See Signage.
- Air Conditioning Equipment (including swamp coolers)** All cooling devices shall be installed at ground level or completely contained within the structure. Exterior window mounted swamp coolers, evaporative coolers, or air-conditioning units are not allowed. Air conditioning units are to be installed at street level and located in a “side” or “rear” yard and must be approved by the ARC prior to installation. Rooftop installations are not allowed. Penetration of siding for installation of cooling devices is not permitted, other than what may be required for service lines.
- Antennas** All antennas/dishes shall be installed in the least conspicuous location available. To the extent that reception is not substantially degraded or installation costs unreasonably increased, all antennas/dishes are to be screened from view from any street and nearby lots to the maximum extent possible, and placement shall be made in the following order of preference: (i) “rear” yard or “side” yard behind and below the fence line; (ii) “rear” yard or “side” yard, mounted on the house, in the least visible location below roofline;

(iii) “front” yard screened by and integrated into landscaping; (v) “rear” yard rooftop. Antennas/dishes shall NOT be attached to the fence, nor shall antennas/dishes be permitted to encroach upon common areas or any other Owner’s property.

All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible.

Any visible wiring shall be required to be painted to match the color of the structure to which they are attached, at the Owner’s expense.

Owners shall not permit their permitted devices to fall into disrepair or to become safety hazards.

### **Awnings & Overhangs**

Approval is required prior to installation. Awnings or overhangs should be an integral part of the house or patio design. Awnings and overhangs NOT allowed in front of home. Metal or fiberglass awnings are not permitted. The color must be the same as, or generally recognized as, a complementary color to the exterior of the residence. Any awning or overhang must be kept in a neat, clean and attractive condition.

### **Basketball Hoops**

Permanently installed backboard hoop units attached over the garage are not permitted.

PORTABLE HOOPS: Approval is not required provided the following guidelines are met:

- Portable hoops may not be placed in the street or on the sidewalk except during actual play.
- Portable hoops are allowed in the driveways.
- Portable hoops are to be stored out of view from any street, common area or ground floor of any adjacent lot, except during actual play.

BACK-YARD INSTALLATION: Approval is required prior to installation. All requests will be evaluated on placement and circumstances of each backyard, as well as court area surface, visual screening, and proximity to neighbors. See also Play Equipment.

**Barbecue Grills and Outdoor Cooking Appliances**

Fire safety measures shall be adhered to in locating and supervising the use of Barbecue Units on lots.

Barbecue Units must be contained within the rear yard.

Barbecues Units shall be located a minimum of five (5) feet from any property line.

Barbecue Units more than six (6) feet in height shall be located a minimum of ten (10) feet from any property line.

Any Barbecue Unit, including its chimney, shall not exceed a height of ten (10) feet as measured from the main finished floor level of the home.

**Boats**

See Vehicles

**Business Activities**

All Residential Lots within the Community shall be used for residential use only, including uses which are customarily incident thereto, and shall not be used at any time for business, commercial or professional purposes. Notwithstanding the foregoing, such Units may be used for business activities provided that the following are satisfied: a) conforms to all zoning requirements and be lawful in nature; b) the business conducted must be clearly secondary to the residential use of the home and conducted entirely within the home; c) the existence or operation of the business is not detectable from outside of the home by sight, sound, smell or otherwise, or by the existence of signs indicating that a business is being conducted; d) the business does not result in an undue volume of traffic or parking within the Community, which determination may be made by the Board of Directors in its sole discretion from time to time; and e) the business conforms to any Rules and Regulations that may be imposed by the Association from time to time on a uniform basis to protect the peace, tranquility and quality of the Community.

**Camping Trailers**

See Vehicles

**Clotheslines**

Except as permitted by Colorado law, no permanent clotheslines and hangers shall not be permitted. Temporary drying structures will be permitted so long as such structures are used solely in the rear yard area of a Lot and are immediately removed from sight after each use.

**Decks**

Approval is required prior to installation. Decks must be redwood or wood look/textured material (Trex decking or comparable product). Wood decks shall be left their natural color, stained with a clear sealer, or may be stained in a color that is compatible with the color scheme of the home. Painted decks are not permitted. Wood-like materials must also be a color compatible with the color scheme of the home. Decks must appear to be an integral part of the residence, and, in general, no part of the stairs or landings will be allowed to extend into the side property area beyond the back corners of the home. Deck railing must also match that of the deck, existing railing on the house or the general scheme within the community.

Deck skirting is not allowed on decks that are more than 2ft above finished grade. No freestanding decks will be approved.

All decks must comply with the Town of Windsor standards for minimum setbacks.

**Deck/Patio Covers**

Approval is required prior to installation.

- Must be of material to match either the deck or the home in both material and color.
- Consideration must be given regarding line-of-sight views from neighboring properties.
- Arbors or pergolas constructed as patio or deck covers adjacent (attached) to the home must be stained with a solid stain or painted to match the main body color or trim color of the home, one color only (transparent or semi-transparent stains are not permitted).
- Deck/Patio covers cannot extend beyond the side of the home.

**Decorations, Seasonal and Holiday**

Approval is not required, as long as the decorations comply with the below. The ARC reserves the right to prohibit any decorations it deems inappropriate for the image of the Community.

- Figurines, lawn ornaments or other displays may not be mounted on roofs or located outside of lot fences
- Sensitivity to light levels should be applied when installing decorative holiday lighting. Exposed spotlights prohibited.
- Exterior holiday music is not permitted except for that which is played for personal and social enjoyment within a lot's outdoor living spaces
- Christmas holiday exterior decorations and lighting may be displayed only between Thanksgiving Day and January 15<sup>th</sup>.
- Decorations for any other holiday may be displayed no more than two (2) weeks prior to the holiday and must be removed within one (1) week following the holiday.

**Decorations, Permanent**

Any permanent items such as yard statuary, arbors, birdbaths, fountains, wall-mounted art, etc. are not allowed in the front area of the property. A birdhouse or birdfeeder, which is mounted on a pole may only be installed in the backyard and not exceed five feet, and will still require ARC approval.

**Dog Runs**

Must be located in the rear yard and must abut the rear of home. Dog runs are discouraged in the side yard between homes and adjacent to open space, parks, common area, and trails/walking paths. Proximity to and screening from neighboring view is considered in reviewing submittal. Dog run must be located five (5) feet from property line. Covers over dog runs are not permitted. Materials used must be the community open rail fencing requirements. Chicken wire and chain link material is NOT permitted anywhere in the community.

## **Doors**

ARC approval is not required if the following conditions are met:

- Screen/Storm doors: Must be a neutral color, or match existing color of home. Scrollwork and filigree is not permitted.
- Entry doors: must be stained or painted a color that is compatible with trim and siding color of home.

Any other door style or color must be submitted for approval. Unpainted aluminum doors are not permitted. See also Painting.

## **Drainage**

The grading upon each Lot shall be maintained by the Owner thereof or by any owners association formed for any portion of the Property which is responsible for the maintenance of the grading on such Lot at the slope and pitch fixed by the final grading thereof. No Owner or any such owners association shall interfere in any way with the established drainage pattern over any real property maintained by the same, from adjoining or other real property. See Section 9.19 of Declaration.

Each property owner is required to contain mud, silt, or other debris on his/her own property. Owners are not allowed to increase or decrease historical flows of water onto adjacent property.

## **Driveways & Sidewalks**

Modifications to the original driveway require Committee approval and must be aesthetically pleasing and in conformance with the overall look of the Community. Modifications or additions to the original driveway may not exceed five (5) feet in width (2.5 feet on either side) and must be constructed of materials different than the existing driveway, such that the extensions appear as walkways and not additional driveway width. Concrete pathways alongside of home may not exceed 36" in width. Any driveway extension or concrete pathway shall not encroach into existing easements or upon property line and shall not interfere with the existing drainage. Asphalt extensions are not acceptable. Colored driveways or sidewalks are not acceptable. Repair or replacements of an existing driveway or sidewalk which is completed with materials identical to the existing driveway or sidewalk and which do not alter the original design of the same do not require Committee approval.

## **Fencing**

Approval is not required so long as the fencing complies with the Exhibit B - Fencing

You are encouraged to contact the Association for clarification, particularly if on a corner or face open space and parks. The Association has the right to request removal and replacement for any fences not installed per specifications. In addition,

- Wing Fences must be compatible with fencing in which it adjoins.
- Privacy fencing posts, beams, and rails to be installed so that they are facing the interior of the yard.
- 3-Rail Fencing is required for all corner lots and for lots facing a street, park, open space, farm lots.

- Fencing shall be setback ten (10) feet from the front plane of the house unless home design elements (such as window/doors) conflict with fence location. If there is a conflict the fence can be set back no less than five (5) feet from the front plane of the house.
- No more than one gate allowed.
- No gates will be allowed in any fencing to provide access from lots to open space areas, streets, or common area.
- Front yard fences are not permitted.
- Perimeter/Open Space fencing installed by the District developer **may not be removed, changed, or modified** except for the installation of 2” x 4” galvanized welded wire mesh (10 gauge). Welded wire must be professionally installed or installed properly by using the “stretch” method and be placed on the interior of the fencing.
- Each Owner shall be responsible for maintaining, repairing, and replacing, in a reasonably attractive manner, any fence located on such Owner's lot, unless such fence is to be maintained by the District.
- Any fence located on a lot line between two Units shall be maintained jointly by the Owners of such Units if the fence was installed by the respective builder. Any fence located on a lot line between two lots that was installed by one of the Owners shall be maintained by the Owner who installed the fence.

**Fence Stain Required** –All fences, interior and exterior, installed by Owners shall be stained using Sherwin Williams:

**FCC #: 14446**

RainDance Red

|               |    |    |    |     |
|---------------|----|----|----|-----|
| CCE*Colorant: | 0Z | 32 | 64 | 128 |
| B1-Black:     | -  | 4  | -  | -   |
| R2-Maroon:    | -  | 9  | -  | -   |
| Y3-Deep Gold: | -  | -  | -  | 1   |
| R3-Magenta:   | -  | 2  | -  | -   |
| G2-New Green: | -  | 1  | 1  | -   |

**Fireplaces/Firepits (Exterior)**

Only gas fueled fireplace and fire pit features are permitted. Exterior fireplace design must complement the architectural style, materials and colors of the home and conform to the following guidelines:

- Exterior fireplaces and/or fire pits must be contained within the rear yard
- Internally mounted spark arrestors should be considered a part of the finished design
- A fireplace or fire pit shall be located a minimum of five (5) feet from any property line
- A fireplace or fire pit taller than six (6) feet shall be located a minimum of ten (10) feet from any fence

- Any freestanding exterior fireplace, including the chimney, shall not exceed a height of ten (10) feet as measured from the main finished floor level of the Home.

### **Flags and Flagpoles**

The display of the American Flag or a service flag bearing a star donating the service of the Owner or occupant of the Lot, or a member of the Owner's or occupant's immediate family, in the active or reserve military service of the United States during a time of war or armed conflict, on a Unit owner's property, in a window of the unit, or on a balcony of the Unit is permitted provided the flag(s) do not exceed 5 square feet (pursuant to Section 106.5 of the Colorado Common Interest Ownership Act). Bracket holders are permitted without prior approval. One American flag and/or one Colorado flag are permitted to be displayed provided the flag(s) do not exceed 5 square feet. Approval is required for all other flags/banners.

Sports teams flags will be allowed during the duration of a single sporting event(not the entire sport season). Holiday flags will be allowed not more than 30 days prior to the holiday and must be removed within 15 days after the Holiday.

Permanent free-standing flagpoles must be approved by the Architectural Review Committee before installation.

Flags must be kept/flown at all times in a neat and attractive condition.

### **Garage Sales**

Garage sales are not allowed, except on designated days as established by Board of Directors. All garage sales must comply with applicable municipal requirements. The Community reserves the right to place limitations on the number of times in one year that an individual property can be used for garage sales.

After the conclusion of the garage sale, no items can be left out on the driveway, sidewalk, or street. **All signage must be taken down from the property and any other areas that were posted immediately after the conclusion of the garage sale.**

### **Gardens**

Committee approval is not required for flower or vegetable gardens that are at grade level (not-raised) and do not alter the existing drainage. Raised flower or vegetable planter boxes require committee approval. Said planter boxes are not permitted in the side yard areas of the home and must be less than 18" tall. Garden boxes must be at least 5' from property line. Vegetable gardens are limited to back yards. All flower or vegetable gardens must be properly maintained in a neat, weed-free condition.

### **Hazardous Activities**

No activity shall be conducted on and no Improvement shall be constructed on any Property within the Community which is or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any Property within the Community. No open fires shall be lighted or permitted on any Property within the Community except in a

contained barbeque unit while attended and in use for cooking purposes or within an interior or exterior fireplace designed to prevent dispersal of burning embers unless otherwise prohibited by governmental ordinances. No Owner or Owners shall permit any condition on his Unit or Units which creates a fire hazard or is in violation of applicable fire prevention regulations.

**Hot Tub, Spa, Sauna, etc.**

Approval is required prior to installation for any exterior hot tub, spa equipment, sauna or Jacuzzi. The equipment must be designed as an integral part of a deck or patio area, and installed in such a way that it is not immediately visible to or will adversely impact neighbors by noise, distance to property line, drainage or other such problems. The equipment will only be permitted in back yards at ground level.

**Landscaping and Maintenance**

The landscape for the Streetscape, being the area between the curb and the front of the sidewalk, is the responsibility of the homeowner. Owners are not permitted to alter plant material installed by the Builder or Declarant in the area between the curb and sidewalk (the "Tree Lawn"), except to replace dead plant material with like material, or as otherwise approved in writing by the Architectural Committee.

Landscaping on which a home has been closed shall be completed within three (3) months after initial conveyance of the property to the owner, with consideration given to planting seasons. Should an extension be foreseen due to time of year, written notice must be made to the ARC prior to the three-month expiration, at which time, the ARC will issue a new time requirement to the owner, but in no case later than seven (7) months after conveyance.

When planning landscape improvements, considerations should be given to plant materials that do not require excessive moisture around foundations. Neighbor's view should be considered when locating trees and shrubbery.

All unimproved areas at the time of conveyance must be landscaped using at least 50% plant material (not including the house footprint, walkways and driveway areas), such as irrigated turf, shrubs, trees, or other planted material. Owners are encouraged to incorporate drought tolerant, low irrigation demand plants into their landscaping plans.

Planting requirements:

- Rear Yards shall have a minimum 1 non-street tree, 5 shrubs, 3 ornamental grasses and 5 perennials.
- Canopy trees shall be 2 ½" minimum caliper in size
- Ornamental trees shall be 1 ½" minimum caliper
- Evergreen trees shall be 6' minimum in height
- Shrubs shall be #5 minimums
- Perennials shall be #1 minimums.

All mulch areas shall use cedar or rock mulches less than 1 ½" or less in diameter over weed control fabric.

All shrub beds shall have either a roll top steel edger or a masonry edge.

All landscape areas shall be irrigated with 100%, underground supplied automatic irrigation system connected to the Water Valley raw water tap.

Landscaping must be kept at all times in a neat, healthy, weed-free, and attractive condition.

Flower beds and garden boxes must be five (5) feet from any property lines.

Approval is required prior to the installation of artificial turf. No artificial turf is allowed in front or street facing side yards. Artificial turf may not exceed 30% of the rear yard and will require screening so as not to be visible from the street or any common area tracts.

### **Lights**

No light shall be emitted from any portion of the community, including Residential Lots, which is unreasonably bright or causes unreasonable glare.

All exterior lighting must be approved by the ARC prior to installation and also must be in accordance with the following guidelines:

- All lighting, including any security type fixture, must be directed downwards and the light “cone” created must be contained within the property boundaries to avoid a glare source to neighboring properties
- Walkway lighting must be directed to the ground and shall not exceed 24” in height
- Lighting fixtures shall match other exterior fixtures or be of complimentary design.

### **Motor Homes**

See Vehicles.

### **Nuisances**

No nuisance shall be permitted within the Community, nor any use, activity or practice which is the source of unreasonable annoyance or embarrassment to, or which unreasonably offends or disturbs, any Owner or which may unreasonably interfere with the peaceful enjoyment or possession or the proper use of a Unit or any Common Area, if any, or any portion of the Community by residents. Further, no improper, offensive or unlawful use shall be permitted within the Community or any portion thereof. All valid laws, ordinances and regulations of all governmental bodies having jurisdiction over the Community or a portion thereof shall be observed.

### **Painting - Exterior**

Approval is required prior to exterior painting. The ARC will take into consideration the color tone and brightness, architectural style, stone or brick accents, roofing colors, and compatibility with other colors. No adjacent properties shall be allowed to use the same color scheme.

Color samples must be provided, and marked clearly as to the areas in which they will be used. The submittal package must also include a color picture of the home that indicates the current color scheme, and pictures of adjacent properties. Exterior finishes shall be compatible with the generally established neighborhood theme. Accent and “punch” colors, such as front doors, shutters, etc. may be more pronounced, however in no case shall bright, neon, fluorescent, or primary tones be allowed.

**Patios**

Approval is required prior to installation. Materials compatible with the home in color and size such as pavers, flagstone, or concrete should be utilized. The vertical surface of exposed concrete in excess of 12” to be finished and treated. All patios must comply with the Town of Windsor standards for minimum setbacks.

**Patio Covers**

Approval is required prior to installation. See Deck Covers.

**Pets**

No animals, livestock, birds, poultry, reptiles or insects of any kind shall be raised, bred, kept or boarded in or on any Residential Lot; provided, however, that a reasonable number of dogs, cats, or other domestic animals which are bona fide household pets may be kept on a Residential Lot, so long as such pets are not kept for any commercial purpose and are not kept in such number or in such manner as to create a nuisance to any resident of the Community.

Notwithstanding, no pit bull terriers or Staffordshire terriers shall be raised, bred, kept or boarded within the Community. When on the Common Area, if any, pets must be on a leash and under control. Feces left by pets upon the Common Area, if any, must be removed promptly by the owner of the pet or the person responsible for the pet. Additionally, the Association shall have, and is hereby given, the right and authority to: set a size or poundage limit on pets; regulate the type(s) of pets that are permitted to be kept; determine in its sole discretion that any dog(s), cat(s), or other household pet(s) are being kept for commercial purposes or are being kept in such number or in such manner as to be unreasonable or to create a nuisance; or determine that an Owner is otherwise in violation of the provisions of this Section. In any of the foregoing instances, the Association may take such action or actions as it deems appropriate to correct the same, including the right to require removal of the pet from the Community. The right to keep household pets shall be coupled with the responsibility to pay for any damage caused by such pets, as well as any costs incurred by the Association as a result of such pets.

**Play Equipment**

**Approval is required prior to installation. This includes, but not limited to, fort-style play structures, swing sets, climbing equipment, sport courts, putting greens, etc.** Equipment shall be in the back yard and must be a minimum of six (6) feet from any property line. Maximum allowable height of swing sets/play structures is 12 feet from ground. Play structures must be constructed of natural wood and/or metals and plastics with earth-tone finishes. Additional landscape screening or setbacks may be required

depending on location of play area and proximity to adjacent properties. All play structures and sports equipment shall be maintained in a good and sightly manner. See also Basketball Hoops, Trampolines and Tree Houses.

### **Retaining Walls**

Any retaining/landscape wall in excess of 36” in height is required to have a professional engineer’s certificate, accompany the request. The Association will not approve, but must have request/certificate on record.

The engineer’s certificate must certify structural soundness and that historical water flows onto adjacent lots will not be impacted. See also Drainage.

Retaining walls must be either brick, dry stack stone material, or architecturally finished concrete. Wood (i.e. railroad ties, etc.), unfinished concrete, or CMU blocks are not permitted. No other materials will be allowed.

Retaining walls should not be constructed in any existing drainage or utility easements.

### **Roofing**

Approval is required prior to installation. Submit colors and type of materials to be used. Uniformity with existing homes in the Community is required. Roofing shall be restricted to an architectural laminated asphalt based shingle that has a 40 year guarantee and has simulated shadow lines such as Owens Corning’s True Definitions Duration Shingle, Tamco Heritage Premium & Timberline Ultra HD Roof. Roofing replacements are subject to local ordinances and permits.

### **Siding, Exterior Material**

Approval is required prior to installation, for any change, repair or replacement to any exterior materials on the home. Aluminum or steel siding will not be permitted.

### **Signs**

Approval is required for all signs with the following exceptions: 1) One sign advertising the home for sale or for lease, not to exceed 3 feet x 2 feet in dimension, or 2) One professionally lettered security or alarm system sign not to exceed 6 inches by 6 inches.

Any political signs are restricted to the following:

- May not be displayed earlier than 45 days before election and 7 days after.
- One sign per political office or ballot issue that is contested in a pending election.
- May not exceed 3 feet by 2 feet in size.
- Must remain within owner property lines.
- Political signs may NOT be placed on any common area.

### **Skylights**

Approval is required prior to installation. Skylights must be installed as an integral design component of the roof, at the same pitch and angle of the existing roof. Bubble style skylights are not permitted.

|                             |  |
|-----------------------------|--|
| <b>Solar Energy Devices</b> | Approval is required prior to installation. All such devices must be integrated into the existing design of the home, and if roof mounted, shall be at the same pitch and angle of the existing roof. No exterior plumbing may be visible from the street or adjoining properties. All solar energy devices must be installed by a professional.   |
| <b>Sounds or Odors</b>      | No sound or odor shall be emitted from any portion of the Community which would reasonably be found by others to be noxious or offensive. No exterior spot lights, searchlights, speakers, horns, whistles, bells or other light or sound devices shall be located or used on any portion of the Community without approval.   |
| <b>Satellite Dishes</b>     | See Antennas.  |
| <b>Swimming Pools</b>       | Approval is required prior to installation (except as noted below). All appropriate permits must be obtained from the governing municipality and all safety requirements met. Permanent above-ground pools are prohibited.<br><br>Inflatable or lightweight wading pools and splash pools not exceeding 12 feet in diameter, placed in the back yard, may be used without prior approval between the months of May and September.  |
| <b>Tanks</b>                | No tanks of any kind (either elevated or buried), except for small portable tanks associated with an outdoor gas grill, shall be erected, placed or permitted upon any Residential Lot without the prior written approval of the ARC.  |
| <b>Trampolines</b>          | Approval is required prior to installation. The top surface of the trampoline shall not exceed 6 feet in height from ground level, and shall be placed in the back yard at least 6 feet from any property line. Safety netting or other containment materials may not exceed 10 feet in height from ground level. The trampoline must be kept in a neat, clean, and maintained condition, and be secured to the ground.  |
| <b>Trailers</b>             | See Vehicles and Parking.  |
| <b>Trash and Materials</b>  | No garbage, refuse, rubbish, or cuttings shall be deposited on any street, road or any Common Area, if any, or on any Lot or Unit, unless placed in a suitable container and suitably located. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition and shall, except when placed outside for pick-up, be stored in an enclosed garage or within an enclosure structure approved by the Architectural Review Committee. |
| <b>Tree Houses</b>          | Tree houses are not permitted.   |

**Unightly Conditions**

Each Unit shall at all times be kept, maintained, repaired and replaced in a good, clean and sightly condition by the Owner thereof.

Gravel, rock mulch, bark mulch, timbers, block, or other types of bulk landscaping material or construction material must be installed on the lot or moved to a location not visible from the street within 7 days of delivery.

**Vehicles, Parking, Storage and Repairs**

All parking within the Community and upon any Common Area, if any, shall be regulated by the Association, as to be more clearly defined in Section 9.9 of the Declaration.

Garages are intended to be used for the parking and/or storage of vehicles. No storage of any vehicle(s) shall be allowed other than in the garage areas. Owners are not allowed to have their vehicles perpetually parked outside in driveway areas without being regularly driven. No vehicles shall be parked on landscaped areas (i.e., rock, sod, mulch, plants, etc.).

The following may not be parked or stored within the Community, including on the streets, unless such parking or storage is within a garage on a Lot, or unless authorized in writing by the Association or as otherwise exempted by Colorado law: oversized vehicles, commercial vehicles, trailers, camping trailers, boat trailers, hauling trailers, boats or accessories thereto, self-contained motorized recreational vehicles. Recreational Vehicles (camper, trailer, motor home) may be parked for purpose of transport to or from the Lot, or for purposes of loading or unloading, for a period not to exceed 24 hours. Only upon prior written approval from the ARC, a recreational vehicle belonging to an owner's visitor may be parked on the owner's lot or adjacent street for a period not to exceed 72 hours. The ARC specifically has the right to limit the number of times in any one season in which a waiver is granted.

No abandoned or inoperable automobiles or vehicles of any kind shall be stored or parked in the Community. An abandoned or inoperable vehicle shall be defined as any automobile, truck, motorcycle, van, trailer, house trailer, camper, recreational vehicle or other device for carrying passengers, goods or equipment which has not been driven under its own propulsion for a period of seventy-two (72) hours or longer, or which does not have installed within it an operable propulsion system, or which does not have a current registration and license plate sticker, or which has one or more flat tires.

No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting, or servicing of any kind of vehicle, trailer or boat, may be performed or conducted outside of garages in the Community. This provision shall not be deemed to prevent washing and polishing of a vehicle, together with those activities normally incident and necessary to such washing and polishing, provided washing is done with a hose with a shut off valve to prevent waste of water. Minor repairs may be performed, provided they may be completed the day commenced, there is no damage (e.g., oil, residue) to paved areas, and all equipment and

parts are removed upon completion of the work. No vehicles may be left unattended on jacks or jack stands.

Commercial Vehicle means (i) any vehicle listed below under “Types of Vehicles Considered Commercial Vehicles,” and (ii) vehicles that have a least one (1) of the “Other Commercial Vehicle Identifiers” listed below.

#### **Types of Vehicles Considered Commercial Vehicles**

1. Box Vans, Box Trucks
2. Tow Trucks
3. Trucks without a Bed
4. Buses
5. Semi tractors and trailers
6. Vehicles with two or more rear axles
7. Hazardous Material Transport vehicles
8. Taxi Cabs
9. Limousine
10. Heavy machinery, backhoes, graders, skid steers or construction equipment. (Unless construction equipment necessary for construction or for the maintenance of any Common Area, Lots, Units.)

#### **Other Commercial Vehicle Identifiers**

1. Any vehicles having a manufacturing payload capacity greater than one (1) ton
2. Any vehicle that has commercial markings or signage that exceeds 50% of the vehicle’s visible surface (excluding the roof, tires, wheels, hood and windshield)
3. Vehicles with racks, ladders or panels designed to carry equipment other than personal, recreational or equipment for physically impaired
4. Vehicles with scrolling lighted signs and exterior warning lights.

#### **Waterfalls, Water Features**

Approval is required prior to installation. Water features not allowed in the front area of the property. In all cases, water features may not exceed four feet in height, must use re-circulating systems and the design should minimize evaporative losses.

#### **Wells**

Not permitted.

#### **Wind Turbines**

Not permitted.

#### **Windows**

All windows shall be painted or stained wood, vinyl, composite or non reflective metal framers and dividers. Reflective glass and reflective window tinting are not permitted. See Builder Guidelines for requirements.

**EXHIBIT A – ARCHITECTURAL REVIEW APPLICATION**  
**Submit with Architectural Review Fee of \$25.00 per submission to:**  
**RainDance Community Association, Inc.**

c/o Advance HOA Management, Inc.  
1613 Pelican Lakes Point, Suite 200  
Windsor, CO 80550  
Phone: 303-482-2213

clientservices@advancehoa.com (preferred method) or 303-495-5895 fax

**An application must be completed and approved BEFORE any improvements are made.**

Date Submitted: \_\_\_\_\_

Property Owner \_\_\_\_\_

Name: \_\_\_\_\_

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

E-mail: \_\_\_\_\_

Home No: \_\_\_\_\_ Cell No: \_\_\_\_\_

**Please specify type of request:**

Painting     Front Landscaping     Rear Landscaping     Deck/Patio/Slab     Fencing

Lighting     Play Equipment     Other: PLEASE DESCRIBE: \_\_\_\_\_

**Description of Improvements.** Include picture, colors, drawing, brochure, types of materials, dimensions or other information that will be helpful to understanding your request. **A diagram, to include plot plan, is required for all landscaping submissions.**

Details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I understand that approval of the Board of Directors and/or Architectural Review Committee is required in advance to proceed. I understand that the Architectural Review Committee has up to 45 days to reply and **no response is considered Denied.** I also understand that the approval does not constitute approval of the local City/Town building departments and that a Building Permit may be required. I have answered, truthfully, all questions pertaining to the proposed mentioned improvement or modification and have attached all samples, plans and permits required. I agree to complete all proposed improvements promptly after receiving approval.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

# FENCING

- Residential Fencing at RainDance will be open and minimally implemented to preserve long-range views. Fencing will be applied when necessary for privacy, security, screening and safety. Fencing character at RainDance is natural wood and metal.
- Fencing is installed by the RainDance Metropolitan District at open spaces and along collector roadways; Fencing is optional at all other locations. Please see subsequent diagrams for permitted fencing types by location. Fencing installed by the RainDance Metropolitan District on residential lot lines shall be maintained by the RainDance Metropolitan District. All other Fencing shall be installed by the homeowner or homeowner and be maintained by the homeowner. Diagrams depict typical locations, actual locations may vary and are subject to design review and approval.





