



REGENCY CREST
HOMEOWNERS ASSOCIATION

Architectural Review Committee

Design Guidelines

Effective Date: *June 20, 2024*

*“To Protect and Enhance the Quality, Value, and Attractiveness of Our
Community”*

I. Introduction.

In accordance with the Declaration of Covenants, Conditions and Restrictions of Regency Crest (the “Declaration”), the Architectural Review Committee of Regency Crest has the authority to develop and adopt Design Guidelines to guide development in that part of Regency Crest subject to the Declaration (the “Community Area”) in a sensible, managed process. These guidelines are not all inclusive and cannot address any and all varieties of requests from over 500 members of the HOA. They serve as a guideline and process to follow when making changes, improvements, or updated maintenance to properties within the confines of the HOA. The fact that material availability changes, manufactures change and discontinue certain styles and colors of paint/stains, requires flexibility; based on this, submittals will be reviewed and approved or disapproved on a case-by-case basis, decisions will be based on acceptable standards within the HOA as well as current Federal, State, and Local laws and regulations as they apply to the HOA process.

It is the intent of the Architectural Review Committee to interpret these Design Guidelines consistently and reasonably. In the event of a conflict between these Design Guidelines and the Declaration, the Declaration will control. The Committee shall resolve all questions of interpretation. They shall be interpreted in accordance with their general purpose and intent as herein expressed.

The Community Area will be developed in a manner that allows the Architectural Review Committee to establish separate design guidelines, if needed, for each area of land made a part of the Community Area. The Design Guidelines are intended to promote harmony among areas of Regency Crest, yet it may provide different standards for building size, design, and materials in these separate areas.

All construction that is undertaken in the Community Area, including construction of new homes, Improvements and Landscaping, or other site construction, is subject to review by the Architectural Review Committee pursuant to the Declaration and these Design Guidelines. Only after Architectural Review Committee approval of an Owner’s Plans and Specification may an Owner request the issuance of a building permit from the proper governmental authority if a building permit is required to construct the Improvement.

All Owners (including all Lot Owners, builders, consultants, and any other designated representative) shall comply with these Design Guidelines.

Any notice required to be given to any owner under the provisions of these covenants shall be to the last known address of the record owner of the lot in which the owner has an interest as shown on the records of the corporation at the time of such mailing.

The Architectural Review Committee may modify or supplement these Design Guidelines from time to time in its sole discretion, as long as the modification or supplement does not contradict or conflict with the Declaration. ***If these Design Guidelines are revised, such revisions shall take precedence over previous guidelines.***

These Design Guidelines are supplemental to governmental regulations in effect from time to time, including the City of Pueblo zoning and subdivision regulations and applicable federal and state regulations and pertinent building codes. All construction shall comply with these Design Guidelines and all applicable regulations.

Architectural Review Committee approval pursuant to these Design Guidelines does not approve or guarantee engineering design or compliance with the law and applicable governmental ordinances or regulations (such as zoning or building ordinances), and does not reflect any representation by the Architectural Review Committee, its members, the Board, the Association or the Declarant to assume any liability or responsibility for an applicant's engineering design compliance with any applicable laws, governmental ordinances or regulations.

Neither the Architectural Review Committee, the Board, the Association, 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:

- Approval or disapproval of any Plans, or
- Performance of any work, whether pursuant to approved plans.

II. Definitions.

Unless defined below, all capitalized terms used in these Guidelines shall have the meaning set forth in the Declaration.

A. "Architectural Review Committee" or "Committee" shall be the Committee defined in Article V of the Declaration.

B. "Construction" shall include all items listed below and any other related processes designated by the Architectural Review Committee. Items included here may also be referred to as "Improvements":

1. Any grading and/or disturbance of vegetation.
2. Drainage alterations
3. Road construction
4. Sidewalk construction
5. Utility construction
6. Installation of landscaping
7. New construction of single or multi-family housing
8. New construction of site features such as pools, greenhouses, gazebos, bridges, retaining walls, decks, play equipment, fences, and other improvements.
9. Additions to or renovations of existing features (such as room additions, installation of solar devices, etc.) which alter the exterior appearance of a building.

C. "Design Guidelines" shall mean the architectural, construction, structural and/or aesthetic criteria, rules, or standards established by the Architectural Review Committee from time to time that will apply to all Improvements within all or a specified portion of the Community Area.

- D. “Improvement” shall mean anything which alters the previously existing exterior appearance of any land, including but not limited to Dwelling Units, buildings, outbuildings, patios, swimming pools, garages, doghouses, mailboxes, aerials, antennas, roads, driveways, parking areas, fences, screening walls, retaining walls, stairs, decks, landscaping, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, exterior air conditioning units, water softener fixtures or equipment, and poles, tanks, pipes, lines, meters, towers and other facilities used in connection with water, sewer, gas, electric, telephone, radio, televisions (including cable or satellite systems), or other utilities.
- E. “Owner” shall be the record title owner of a Lot within the Community Area.
- F. “Plans and Specifications” or “Plans” shall mean any and all documents designed to guide or control an Improvement or other proposals in question, including but not limited to those indicating size, shape, configuration or materials, all site plans, excavation and grading plans, foundation plans, drainage plans, landscaping and fencing plans, elevation drawings, floor plans, specifications on all building products and construction techniques, samples of exterior colors, plans for utilities services and all other documentation or information relevant to the Improvement or proposal in questions.

III. Procedure for Submittal of Plans and Specifications

A. Review of Plans and Specifications.

Plans and Specifications for all Improvements to be constructed on a Lot shall contain enough information for the Committee to accurately assess impacts on the Lot and adjacent property. Plans should give an exact indication of building locations(s), mass and materials, access, grading, limits of disturbance and erosion control methods. The level of detail shall be such that after submittal and approval, construction could begin. For example, submittal of Plans for installation of a swing set in a backyard would not require as much detail as would Plans for a home. Submittal of Plans and Specifications. The Owner must submit to the Committee two (2) legible copies of the Plans and Specifications for the proposed Improvement. **Fees may be assessed for reviewing plans and specifications.**

B. Content of Plans and Specifications.

An Owner desiring to obtain approval from the Committee for the construction of an Improvement on a Lot must provide the following information in the Plans and Specifications, in appropriate detail for the type of Improvement to be constructed. The Plans must also provide the proposed construction schedule for the Improvement.

C. Specifics.

No structure, whether residence, accessory building, tennis court, swimming pool, antennae, whether on a structure or on a lot, flag poles, fences, walls, house numbers, mail boxes, exterior lighting, or other improvements, shall be constructed or maintained upon any lot and no alteration to the exterior of a structure shall be made and no landscaping performed unless complete plans, specifications, and plot plans therefore, showing the exterior design, height, and building materials thereof, the location of the structure plotted horizontally and vertically, the location and size of driveways, the general plan of landscaping, fencing, walls and windbreaks, and the grading plan shall

have been submitted to and approved in writing by the Architectural Review committee and a copy of such plans, specifications, and plot plans as finally approved, deposited with the Architectural Review Committee.

IV. Major Improvements

For new building construction or major improvements, such as room additions, remodels or structural changes, the Plans must contain the following:

A. Architectural Plans at a scale of 1/4" = 1'0", including:

1. Architectural elevations (front, sides, and rear), indicating typical proposed grade lines, finish floor elevations, top of slab elevations and building height calculations.
2. Floor plans, including square footage for each floor.
3. Roof plans indicating pitches, ridges, valleys, and location of mounted equipment.
4. Indication of all proposed exterior materials.
5. Exterior details, including items such as chimneys, exterior stairs and decks, railings, and deck supports.
6. Any other proposed improvements (i.e., decks, awnings, hot tubs, etc.)

B. Site Plan of the lot, at a scale of 1"=10', including:

1. Lot lines and dimensions, building setbacks, street right-of-way, curb lines and easements.
2. 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.
3. Building footprint.
4. Walks, driveways, decks, accessory structures, dog runs or privacy fencing, retaining walls with top and bottom of wall elevations.

C. Exterior colors, materials, and finishes, including:

1. All finished exterior materials and colors, including siding/downspouts, trim/gutters, roofing, garage doors, front door, and window trims.
2. Catalog sheets for exterior lighting.
3. Samples of materials and/or a 4'x4' lay-up of material at the home site may be required at the discretion of the Committee.

D. Landscape Plans and Other Site Improvements.

Approval shall be obtained prior to installation of any landscaping or any other site improvements including, but not limited to, pet enclosures, play & sports equipment, fencing, deck or patio additions, and site lighting. In most cases, the Plans will not have to be professionally prepared by an architect, landscape architect, or draftsman, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the Committee. The following guidelines should be utilized in preparing the Plans:

The drawing or plan should be done at a scale of 1" = 10' and should depict the property lines of the Lot and the "footprint" of the home as located on the Lot. Existing Improvements, in addition to the home, should be shown on the drawing and identified. Such existing improvements include driveways, walkways, decks, trees, shrubs, etc.

1. All proposed plant locations, types, quantities, and sizes; location of turf and other ground cover materials should be shown on the Plan and labeled. The Plan should exhibit grading and layout of all additional landscape improvements such as berms, walks and structures not covered under the approved Plan for the home.
2. Plans for any other site improvements, such as play/sports equipment dog runs, hot tubs, trellises, retaining walls, lighting, gazebos, etc. should be shown on the plan with a description of the proposed improvement, including the materials and colors to be used. In the case of structural improvements (trellises, gazebos, etc.), an elevation drawn to scale of the proposed improvement is required.
3. If an Owner submits for approval a Landscaping Plan that calls for the Owner to complete the landscaping at a later date, the Owner shall provide a detailed erosion control plan, delineating all disturbed areas and indicating control techniques to be used (including time of installation by Owner).

For all Plans submitted to the Committee, the Owner must provide a proposed schedule of construction.

E. Approval of Plans and Specifications.

The Committee will respond to the Owner within thirty (30) days of submittal of a complete set of Plans and Specifications. The Committee will provide the Owner with written approval of the Plans and Specifications or, if disapproved, any written recommendations for necessary changes to the Plans and Specifications. A majority vote of the members of the Architectural Review Committee is required for approval or disapproval of proposed improvements. The Architectural Review Committee shall maintain written records of all applications submitted to it and of all actions taken. In approving or disapproving the plans submitted to it, the Architectural Review Committee shall take into consideration the design, style, and construction of the proposed building or alterations, its location on the lot, the harmony of its design, architecture, and location with the terrain and surrounding neighborhood and shall determine whether such proposed building is consistent with the general terrain, the architecture of other buildings located upon the properties subject to this Declaration and whether or not the construction or alteration of said building will adversely affect or decrease the value of other lots because of its design, location, height, or type of materials used in construction. The Committee's failure to respond to the Owner within thirty days of submittal, without any other communication to the Owner for an

extension of time for review or for additional information, will be deemed an approval of the Plans and Specifications by the Committee.

If the Architectural Review Committee determines the Owner's Plans are incomplete, the Committee shall notify the Owner of additional items necessary within the Committee's 30-day review period. An additional 30-day review period by the Committee shall begin following an Owner's provision of the necessary information. No construction may begin before the Committee gives its written approval. It is the intent of these Declarations that the Committee shall exercise broad discretionary powers hereunder and its decisions shall be final and conclusive except for an arbitrary abuse of its discretion or an excess of its authority.

The Committee may make reasonable requirements of the lot owner, including the submission of additional plans, to ensure conformance of such building when erected with these restrictions and covenants and the plans submitted and approved. The Committee may require such changes as may be necessary to conform to the general purposes as herein expressed.

The Committee has the discretion to charge the Owner a fee for review of the Plans and Specifications. Also, an additional fee shall be charged if a review by a Colorado-licensed architect, engineer, or other relevant professional if the Committee believes such professional review is necessary prior to approval. Alternatively, or in addition to, the Committee may require the Owner to obtain certification of the Plans and Specifications by a professional architect or engineer licensed in Colorado prior to approval. Approval of Plans and Specifications by the Committee is valid for one year. If construction is not commenced within one year after approval, the Owner must submit to the Committee a new request for approval.

Any revisions and /or additions to the Plans previously approved by the Committee must be resubmitted for approval by the Committee. The revised Plans must follow the requirements outlined above. The Committee will review the Plans and provide a written response no later than 30 days after the submittal. All plans / revisions submitted to the Committee shall be left on file with the Committee.

Whenever the Committee disapproves of any proposed plans or specifications, it shall state in writing its reason for such disapproval in general terms so that the objections can be met by alterations acceptable to the Committee.

F. Architectural Review Committee Meetings.

The Committee will meet as needed to timely review all Plans submitted for approval. The Committee may require submission of additional materials and may postpone action until all required materials have been submitted. The Committee will contact the applicant, in writing, if additional materials are necessary or if the Committee needs additional information or has any suggestions for change.

G. Variance.

The Committee may grant a variance from the requirements of any covenant in the Declaration within the Committee's authority, or from these Guidelines upon the Committee's determination of exceptional and extraordinary circumstances where literal enforcement of the covenant or guideline will create a material hardship to the Owner. Any variance approved by the Committee may be subject to additional terms and conditions. If a variance is denied, the Owner may not request a similar variance

for the same Lot for a period of one year following denial. The Committee shall have authority to grant variances from the provisions of the Declaration in cases of irregularly shaped lots, unusual terrain, or other conditions wherein the strict enforcement of these restrictions would result in unusual hardship. The Committee shall be the sole and exclusive judge of whether said hardship exists. The Committee shall also have authority to grant variances from the provisions of this Declaration to permit innovative architecture which is not inharmonious with other architecture in the Subdivision, and upon any other ground as the discretion of the Committee may decide.

H. Compliance Monitoring.

A representative of the Committee may make periodic visits during construction of the Improvement to monitor compliance with the Committee's approved Plans. A visit by a committee representative is in addition to any standard construction inspections required by other jurisdictions, such as the building department.

I. Liability of Committee.

The Architectural Review Committee shall not be liable in damages to any person submitting requests for approval or to any lot owner by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove about such requests.

J. Right of Appeal.

After Declarant no longer has the right to appoint members to the Architectural Review Committee (as provided in the Declaration), any Owner aggrieved by a decision of the Committee may appeal the decision to the Board of Directors of the Regency Crest Homeowners Association in accordance with procedures to be established by the Board. Such appeal shall be in writing and shall be filed within 30 days after the decision of the Committee. If the decision of the Committee is overruled by the Board, the prior decision of the Committee 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 Committee. If not appealed, or as so modified or affirmed, the decision of the Committee shall be conclusive and binding on all parties.

V. Design Standards

A. Land Use, Building Type, and Occupancy.

All lots unless otherwise designated in the recorded plat shall be used for single family residences. With respect to those lots to be used for residential purposes, no building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling not to exceed 32 feet or two stories in height. No building shall be permitted on any lot unless such building has been duly constructed thereon and the removal of dwellings or structures from other locations to any lot shall not be permitted. A private attached garage for not less than two cars shall be provided with each single-family dwelling and in accordance with the setback requirements herein contained.

B. Lot Size and Subdivision.

No lot or building site in the properties shall be less than 5,000 square feet in total area and no further subdivision or re-subdivision of any lot or combination of lots as shown on a recorded plat shall be permitted except upon prior written approval of the Architectural Review Committee.

VI. Building Specifications

A. Building Setbacks.

Building setbacks shall comply with the site-specific setbacks shown on the **Recorded Plat** for the specific filing as approved by the City of Pueblo Zoning Department. No building shall be located on any lot or building site nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. Any proposed building location on any lot will be approved by the Architectural Review Committee.

1. 5' either side
2. front setback 18'
3. rear setback 15'
4. corner lot 9'

B. Home Size.

The following minimum standards must be met for house size (i.e., square footage) within each filing:

Two story	750 square feet	Ground level – living area (with or without basement)
One story	1,350 square feet	Ground level – living area (with or without basement)

Additionally, some filings may include minimum width requirements for the front elevation. All single-family residences must have an attached two or three-car garage. **No two-story residences will be allowed on corner lots.**

C. Maximum Building Coverage.

In conformance with the applicable Development Plan for Regency Crest, the maximum coverage of the Lot by structure(s) is generally 40% for a two-level residence and 50% for a single level residence.

D. Building Construction.

All construction must conform to the building code, zoning code and subdivision regulations of the City of Pueblo, which regulations may vary from the provisions of this section and other sections. All buildings erected on the properties shall be designed and constructed in accordance with the following standards:

1. Roof material and color shall harmonize with the existing built houses in the subdivision. Approved roofing material is tile. Styles to choose from are:
 - a. Slate
 - b. Shake
 - c. Barcelona
 - d. Villa
2. Overhang of roof shall be at least 24 inches unless a lesser overhang is approved by the Architectural Review Committee.

3. Gutters are required. Gutters and down spouts where used shall be painted to blend with the colors of the dwelling.
4. All exterior walls shall be constructed of stone, stucco, or brick. Only two combinations of the allowed materials may be used unless prior approval of the Architectural Review Committee is obtained.
5. Only two-car or three-car sized attached garages are allowed.
6. Any exposed area, more than 6 inches above grade must be covered with stucco, masonry, stone, or brick.
7. Accent/Trim colors will be limited to doors, window frames, or other approved elements, but shall not exceed 10% of surface area of residence and will harmonize with the stucco color.
8. Exterior and trim colors shall be limited to earth tones, neutral tones, or natural material colors from light to dark shades and to be approved by the Architectural Review Committee or builder. Colors currently approved by the committee:

a. Colonial White – 100	b. Ivory – 129	c. Ash - 110	d. Dove Gray – 113
e. Hacienda – 127	f. Soapstone – 30	g. Fawn – 117	h. Suede – 118
i. Sandalwood – 121	j. Buckskin – 106	k. Adobe – 116	

Garage door colors currently approved:

- | | | | | |
|----------|--------------|---------------|-----------|----------|
| 1. Brown | 2. Sandstone | 3. Desert Tan | 4. Almond | 5. White |
|----------|--------------|---------------|-----------|----------|

E. Construction Completion Timeline.

The Structures must be completed within two years after the date of deed except where such completion is impossible or would result in great hardship due to strikes, fires, national emergency, or natural calamities. For purposes of this section, "commencement of construction" for a single-family dwelling, is defined as the obtaining of necessary building permits. For all other Structures, "commencement of construction" is the undertaking of any visible exterior work. If construction is not completed within two years after commencement, or if construction shall cease for a period of sixty days without permission of the Architectural Review Committee, the Committee will give the Owner thereof Due Notice of such fact, and if construction work on such Structure is not diligently pursued within thirty days after such notice, the unfinished Structure or unfinished portion thereof shall be deemed a nuisance and shall be removed forthwith by and at the cost of the Owner.

F. Special Development and Sales Offices Allowances.

It is hereby agreed that the Regency Crest Subdivision may establish permanent signage or standing monuments for the ingress and egress of the Subdivision. It is further acknowledged that said developer may also use flags, signs, special fencing, and monuments for marketing tools and that they will not be in any violation of any clause in these covenants.

G. Construction of Sales Offices.

Temporary buildings for construction or administration purposes or for sales offices may be erected or maintained only by Declarant or with the permission of the

Architectural Review Committee. Model homes may be used and exhibited only by Declarant or with the permission of the Committee. Temporary buildings permitted for construction or administration purposes or for sales offices shall be promptly removed when they cease to be used for these purposes.

VII. Neighborhood

A. Streetscape Variety.

Within the development, repetition of models is permitted, subject to the requirements set forth in this section. In order to maintain architectural variety within the neighborhoods, the same house plan may not be constructed on two adjacent lots, nor may the same house plan be constructed directly across the street. Utilizing different elevations to provide variety on adjacent lots or on lots directly across the street is acceptable and encouraged.

B. 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 4:1 with a maximum of 3:1. Retaining walls require Committee approval and should be utilized where slopes would exceed 2:1. No grading shall extend beyond existing property lines of the home site without the written permission of the Committee and the adjacent property owner. **Owner, at all times, is responsible for proper grading and drainage, of each lot.**

C. 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 Committee. Techniques include the use of sedimentation basins, filtration materials such as straw bales or permeable geotextiles, and slope stabilization fabrics or tackifiers.

D. Driveways and Parking.

Driveways shall be concrete. Any additions or alterations to the original concrete work are to follow submittal/approval procedures of the Architectural Review Committee as stated herein. Materials and colors other than grey concrete will require Committee approval before installation.

E. Accessory Structures.

Accessory structures such as gazebos, greenhouses, and storage sheds shall be located in the rear yard or in a location not prominently visible to the street. Requests for approval for accessory structures will be reviewed on a case-by- case basis, taking into consideration the lot size, square footage of the home and proposed location of the accessory structure. No shed, storage building, or accessory building will be built without prior consent of the Architectural Review Committee. Said shed, storage building, or accessory building construction must conform to the building code and subdivision regulations established by the Regional Building Department and City Zoning Department.

1. Colors shall match with the existing colors of home already established on said lot.
2. Roof material and color shall match with the existing home.

If any homeowner decides to improve, alter, change, or add to their home, it is recommended they get permission from the Architectural Review Committee before doing so, to ensure full compliance with the Declaration of Restrictive Covenants.

F. Animals.

No animals except domesticated birds or fish and other small domestic animals permanently confined indoors and except an aggregate of four domesticated dogs or cats shall be maintained in or on any Lot with the Subdivision and then only if kept as pets. No animal of any kind shall be permitted, which in the opinion of the Architectural Review Committee makes an unreasonable amount of noise or odor or is a nuisance. No animals shall be kept, bred, or maintained within the Subdivision for any commercial purposes. No person shall be allowed to keep, breed, or raise chickens, cattle, horses, goats, or other domestic farm or barnyard animals or fowl on any lot or portion of the properties, or erect any building designed to house the same.

G. 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, and must be substantially screened from adjacent properties.

H. Patio Covers.

Patio covers must match to the exterior color of the home. Patio covers must be constructed of wood or material generally complementary to the home and be stucco to match the color of the existing home. **Unacceptable awning treatments include thin wood lattice, metal, plastic, and untreated or striped fabric. Awnings must be maintained in like-new condition. Patio covers and changes to patio covers must be approved by the Committee.**

I. Exterior Lighting.

Committee approval is required to change or add any exterior lighting. In reviewing lighting requests, the Committee 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. Any exterior lighting installed on any lot shall either be indirect or of such controlled focus and intensity so as not to disturb the residents of the adjacent property. Ornamental post lights shall be designed to be similar to the lighting fixtures on existing home.

J. Fencing - All Fences Must Be Approved by the Committee.

1. All solid wood fencing shall be constructed of **1"x4"x6' dog ear** natural cedar or Western redwood pickets placed vertically without spacing. The wood pickets shall be placed with alternating panels facing outward with the framework exposed to the interior of the yard along any street or common area.
2. All fences shall be completed at the time of completion of the house and approved by City code and Architectural Review Committee.
3. The maximum height of a Lot fence is 6'. Wood fences should slope rather than step to accommodate grade changes.
4. No solid body paint may be used to change the color of the fence. Before starting any fence staining, it is highly recommended owners power wash the

fence before staining. In addition, owners should confirm with the Architectural Review Committee the intended color is approved; if not approved, owners will be asked to change it to an approved color. Approved colors in example are:

- If the fence is new or in good condition: Clear, transparent, or semi-transparent wood finish in Clear, Cedar, Natural or Chestnut Brown.
- If the fence has not been treated and is gray and water damaged, a solid stain wood finish may be the best option. Valspar stain is reputable among contractors and is reasonably priced in comparison to other stain brands. Valspar can be found at Lowe's and Walmart.
- Redwood is not an approved color in either scenario.

If homeowner uses incorrect type of product on fence - homeowner will be responsible to replace fence exactly like original fence, at their expense.

5. Prohibited fence materials include plastic (PVC), chain link, wire meshed (not used in conjunction with an open-rail fence for enclosing pets) and unfinished masonry. **All fences must be approved by the Committee.**
6. Wing fencing must be set back a minimum of 5' from the corner of the home. Wing fencing should offset existing setback of the wing fencing on the adjacent property where feasible.
7. Lot fencing must be set back a minimum of 15' from the back of curb of all streets.
8. Wood fencing must be maintained in a like-new condition. Individual lot owners are responsible for the maintenance of the inside of Community walls on their Lot.
9. Fencing walls may be constructed of stone, stucco, or brick of a variety allowed by the Committee.
10. In the event a fence is constructed on a property line, each adjacent property owner shall agree to construction of the fence and shall possess that portion of the fence lying within his or her lot. Said owner is also hereby granted a mutual reciprocal easement for repair or replacement of said fence. No owner shall commit or omit any act, the result of which is infringement of the adjoining owner's rights in said fence. If any portion of any structure originally constructed by Declarant, including any fence, shall protrude over an adjoining lot, such structure shall not be deemed to be an encroachment upon the adjoining lot nor shall any action be maintained for the removal of, or for damage because of such protrusion. The foregoing shall also apply to any replacements of any fence if the fence is replaced substantially in conformity with the original fence constructed by Declarant.
 - a. If a fence located on a property line needs repair or is destroyed or damaged by any casualty, the owners of lots abutting such fence jointly will repair, restore, or reconstruct it substantially to its original form, and they will contribute equally to the cost of repair and reconstruction.
 - b. All claims, demands, disputes, controversies, and misunderstandings arising concerning such a fence, or under the provisions of this section, shall be submitted to and be determined and settled by arbitration. As established hereunder, each party shall select one professional

arbitrator and the two arbitrators so selected shall jointly select a third professional arbitrator. The three professional arbitrators shall meet and shall give the opportunity to each party to present his or her case in the presence of the other party and shall then make their decision. The cost of arbitration shall be shared between the parties unless the arbitrators determine that a different manner of assessment is appropriate. The award of a majority of the arbitrators shall be final and binding upon the parties and judgment may be entered thereon in any court having jurisdiction.

11. All fences must be approved by the Architectural Review Committee.

12. Dog Run Fencing. The Committee may allow above ground dog run fencing on a case-by-case basis. The location and size of the dog run will be determined with consideration given its impact on adjacent properties and streets.

K. Hot Tub/Jacuzzi.

Installation of hot tubs and Jacuzzis require prior Committee approval. They should be designed as an integral part of the deck or patio area and must be located in the side or rear yard area. It must be installed in such a way that it is at least partially screened from adjacent properties.

L. Temporary Residences.

No structure of temporary character, trailer, basement, tent, shack, or other outbuildings shall be used on any lot at any time as a residence, either temporarily or permanently, and no used structure of any sort shall be moved into any lot.

M. Outside Clothesline, Aerials, Antennas, Carport, Patio Covers and Other Similar Structures.

Outside aerials, clotheslines, antennas, or basketball hoops and backboards, whether on building or free standing, carports and patio covers or similar structures shall not be allowed unless approved by the Architectural Review Committee.

N. Garage Doors.

Garage doors are to be kept closed at all times, except when in immediate use for ingress and egress of motor vehicles, equipment, and the like.

O. Conflict with Zoning.

In the event the terms and conditions of this Declaration conflict with the applicable zoning laws, the higher standard shall control.

P. Painting/Repainting.

Committee approval is required for all exterior painting or repainting of the home and accessory improvements, including 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, 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, neutral tones or other similar colors. White, primary colors, and no bright colors shall be permitted as accent colors. Downspouts must be painted to match the body color of the home.

Q. Play and Sports Equipment.

All play structures, both permanent and portable, are required to be approved by the Committee for design, size, and placement prior to installation. All play/sports equipment (i.e., trampolines, swing sets, etc.) must be placed to minimize its visual impact from adjacent properties. Play equipment should typically be located in rear yard areas and set back a minimum of five (5) feet from property lines.

Consideration shall be given in the location of play equipment so as not to create an undue disturbance on neighboring properties. Play equipment shall be of predominantly muted, earth tone colors and shall not exceed eight (8) feet in height **unless otherwise approved by the Committee. Play equipment or items used for front yard play should be stored out of view when not in use.**

Portable freestanding basketball units may be conditionally approved if reasonably placed for play and **properly stored when not in use.** Placement in the street or within the right-of-way is not acceptable. Backboards attached to a residence are not permitted.

R. 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. An Owner shall submit a notice of intent of installation with the Committee prior to installation.
2. The satellite dish/antennae measure one meter or less in diameter.
3. 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.
5. The dish/antennae may be required to be painted to match the surrounding environment or screened with a reasonable amount of plantings to minimize its visual impact to surrounding areas.
6. The dish/antennae may never be attached to roof overhangs or any portion of the existing home.

S. Screen/Security Doors and Windows.

Committee 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 Committee must approve security treatments (but not security systems) for doors and windows.

- T. Signs.** One (1) temporary sign advertising the real property for sale or rent which is no more than six square feet in size, the style of which is compatible with the appearance of Regency Crest, may be installed **in the window of the home** without Committee approval. At no time may such signage be installed upon any Association Properties. Temporary signs such as for an upcoming election or a garage sale are allowed on a Lot as long as it is not offensive and is compatible with the character of the Regency

Crest community. Security system signs are allowed.

Signs used by a builder, developer, or subdivider to advertise the property during construction, development, and sales periods are permitted as approved by the Architectural Review Committee.

All trade signs, which include, but are not limited to, landscaping, painting, remodeling, etc., may only be displayed while such work is in progress on a Lot and **must be removed upon completion of the job**. The Committee, on a case-by-case basis, may consider a request for placement of one additional temporary sign due to unique circumstances.

U. Storage of Building Materials.

No building material of any kind or character shall be placed upon any lot except in connection with construction or maintenance approved by the Architectural Review committee. As soon as building materials are placed on any lot in such connections, construction shall be promptly commenced and diligently prosecuted. Storage areas or wood piles shall be so located as not to be visible from a street or road.

V. Commercial Enterprises, Nuisances.

No manufacturing or commercial enterprises shall be conducted or maintained upon, in front of, or in connection with lot or lots. No noxious or offensive activities shall be permitted on any lot, street, or road, nor shall anything be done thereon which may be or may become an annoyance or a nuisance to the neighborhood. No exterior speakers, horns, whistles, bells, or other sound devices except security devices used exclusively for security purposes shall be located, used, or placed on any Structure or within any Lot, **unless approved by the Committee**.

W. Solar Equipment/Skylights.

Committee 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.

X. Swimming Pools.

Plans for swimming pools will be reviewed on a case-by-case basis by the Committee with consideration given to, but not necessarily limited to, the size of the yard area, setback from impact on neighboring properties and size of pool enclosure.

Y. Trash Receptacles.

Owners must store their trash containers in the garage, except for the day of collection services. All containers must have an attached or secured lid and be secured to prevent rubbish from blowing away. Recycling containers must be maintained in a likewise manner. Receptacles must be promptly replaced after collection. No garbage, refuse, rubbish, or cuttings shall be deposited on any street or road and on any lot unless placed in a suitable container. The burning of trash in outside incinerators, barbecue pits, or the like is prohibited; it being intended that all refuse, trash, garbage, and the like shall be hauled from the properties. Garbage cans are to be inside garages, behind decorative fencing or otherwise hidden from view to the street, except on trash pickup days.

- 1. Refuse.** No unsightly objects or materials, including but not limited to: ashes, trash, rubbish, garbage, grass or shrub clippings, scrap material or other refuse, or receptacles or containers therefore, shall be stored, accumulated or deposited outside or so as to be visible from any neighboring property or

adjoining street, except during refuse collections. After a period of two weeks of continued violation of this section, Architectural Review Committee shall have the right to enter upon the Lot involved and remove such unsightly objects or materials at the expense of the Owner. Such an entry shall not be deemed a trespass and the Owner shall be liable for all costs incurred relative thereto.

Z. Commercial Vehicles, Campers, Trailers, Boats, Etc.

No commercial type trucks, vehicles, campers, trailers, and boats shall be stored or parked on any lot except in a closed garage, nor parked on any street or road except while engaged in transport to or from a dwelling. Truck Campers and trailers shall be parked or stored in an appropriate RV area. **Any vehicle used in a commercial enterprise, would be deemed a commercial vehicle.**

AA Vehicle Repairs.

No maintenance, servicing, repair, dismantling and sanding or repainting of any type of vehicle, boat, machine, or device may be carried on except within a completely enclosed Structure which screens the sight, sound, and fumes of the activity from adjoining streets and from neighboring property.

AB Junk Cars.

No stripped down, partially wrecked or junk motor vehicle or part thereof shall be permitted to be parked on any street or on any Lot in such a manner as to be visible at ground level from any neighboring property or street, unless fully screened in a manner approved by the Architectural Review Committee.

AC Yard Ornaments.

Yard ornaments located in the front yard or in any other area of the Lot that can be viewed from the street or adjacent property, including but not limited to, birdbaths, birdhouses, fountains, sculptures, statues, **flags, and banners require** Committee approval. The location of yard ornaments in the front yard is discouraged. No ornate or other type statues may be used in front yard landscaping. Landscaping of a corner lot shall not obstruct sight lines for traffic. **Flagpoles on private lots will not be allowed unless specifically approved by the Committee.**

AD Xeriscaping.

Xeriscaping, non-vegetative turfgrass, or drought-tolerant vegetative landscapes on property the owner is responsible for maintaining. Non-vegetative turfgrass is only allowed in the backyard of a property. Owners may plant vegetable gardens in the front, back or side yard of the property. Vegetable garden is defined as a plot of ground or an elevated soil bed in which pollinator plants, flowers, vegetables, herbs, fruits, leafy greens, or other edible plants are cultivated. Hardscaping materials are allowed on twenty percent (20%) or more on a property. Hardscaping materials are defined as concrete, rocks, and crushed granite. A homeowner has an option in which no more than eighty percent (80%) of the property may be planted with drought-tolerant plants.

In addition, Regency Crest Homeowners Association has preapproved three (3) preplanned water-wise garden designs that are preapproved for installation in front yards. The designs may be downloaded from the Colorado State University extension plant select organization: <https://plantselect.org/> or copies at the Omega Sales Office. The Preapproved Plans are:

- Four Season Garden Design by Colorado Vista Landscape Design Inc.
- Water Wise Cottage, by Lauren Springer Collection
- Part Shade Planting Design by Annie Barrow, Denver Botanical Garden

All landscape improvements must be brought before the Architectural Review Committee for approval.

AE Landscape Maintenance.

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal, and replacement of dead or dying plant material, elimination of weeds and undesirable grasses and removal of trash. Each Owner shall maintain the lawns and landscaping, walks and driveways, in good condition and shall cause them to be repaired as the effects of damage or deterioration become apparent.

1. Mowing and Pruning. To effect insect, weed and fire control and to prevent and remove nuisances, the Owner of any Lot shall mow, cut, prune, clear and remove from the premises unsightly brush, weeds and other unsightly growth and shall remove any trash which may collect or accumulate on the lot. Notwithstanding the foregoing, the Owner of a lot shall be responsible for maintaining the Maintenance Areas along and within the Lot lines of such Owner's lot.
2. Weeds. All yards and open spaces and the entire area of every lot shall be kept free from plants or weeds infested with noxious insects or plant diseases and from weeds to neighboring property and free from brush or other growth or trash which in the reasonable opinion of the Architectural Review Committee causes undue danger of fire or an unsightly appearance to the Subdivision.

AF Mailboxes.

Mailboxes are regulated and maintained by the postal service. Individual mailboxes are maintained by the homeowner.

VIII. Architectural Standards.

It is the intent of these standards that residential design solutions develop proportions and details appropriate to the home site and neighboring properties. 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.

A. Massing.

In reviewing the forms of a proposed building, scrutiny will be given to the massing, proportions, and overall scale of the building in relation to the building site. 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, including the garage. 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.

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.

No two-story homes shall be constructed on a corner lot.

B. 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, **bay windows** well-proportioned porches, detailed fascias, belly bands, etc. Architectural elements must be approved by the Committee.

C. Maximum Building Height.

Building height and profile should be in scale with the surrounding structures and topography. All lots have been restricted to a maximum building height of 32 feet. Building Height must be approved by the Committee.

D. Colors.

Exterior and trim colors shall be earth tones, neutral tones, or natural material colors from light to dark shades. Trim colors will be limited to doors, window frames or other elements as approved by the Committee but shall not exceed 10% of the exterior surface area of the residence. It is recommended that, when possible, to color coat stucco rather than paint to maintain the integrity of the stucco.

E. Exterior Material.

All exterior walls of the residence shall be constructed of stone, stucco, or brick. A maximum of two types of materials may be used in one dwelling. **Any exposed area must be stucco or painted, and the color must match the structure.**

F. Roof Material.

Roof material shall be tile. **Colors shall be approved by the Committee.** The overhang of the roof shall be at least 24 inches. Gutters and downspouts shall be installed and painted to blend with the colors of the residence.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. must be carefully located and finished to complement other elements of the design. Unfinished and exposed metal detailing will not be allowed. If possible, flues and vents should be located out of view of the front of the home.

Composite roof replacement if other than the original color must have approval of the Architectural Committee.

G. 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 6 feet x 6 feet in size.

H. Patios, Decks and Paving Materials.

Patios, decks, and other paving materials should be compatible and harmonious in color and texture with the structure and surrounding neighborhood and must be an integral part of the landscape architectural design.

I. 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 **two** feet in height unless specifically approved and should be located so as to not alter existing drainage patterns. Retaining walls must be approved by the Committee.

The use of rock boulders, stone, and masonry is preferred. Timbers may be used subject to specific approval. All timbers must be new; no recycled railroad ties will be allowed.

J. Landscaping.

All portions of a Lot not improved with the home, driveway, walkways, patios, or decks (referred to as the unimproved area of a Lot) shall be landscaped by the Owner; provided, however, that this obligation shall not apply to any Lots landscaped by Declarant or its assignees. All landscaping shall be installed in the front yard, at the time of certificate of occupancy, when the home is completed.

No hedge, tree or shrub planting shall be placed which obstruct sight lines and elevations between two and six feet above the roadway or permitted to remain on any corner lot within the triangular area formed by the street property lines and the line connecting them at points 25 feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. The same side line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement.

The front yard of each residence shall be landscaped according to the landscape plan submitted and approved, with a minimum of twenty percent (20%) of the front yard planted in an approved grass. The front yard is defined as being from the back of sidewalk back to the fence line separating the rear yard from the front yard. The side streets will also be considered as front yards and described as from the back of side street sidewalk to the parallel side yard fence line or foundation of house. **All landscape improvements must be approved by the Architectural Committee with exception of the three (3) preapproved preplanned water-wise garden designs listed in section AE.**

Irrigation systems should efficiently distribute water to those plants that require it. Temporary and drip or other low-water consumption systems are encouraged.

K. Exterior Electrical or Cable Lines.

No exterior electrical, cable lines, TV cable lines, satellite or phone lines may be draped or tacked up on the outside of the home, on a permanent basis. Homeowner will be responsible to fix, conceal or replace said lines in order to conform to the Declaration of Restrictive Covenants for Regency Crest Subdivision.

L. Mailboxes.

Mailboxes are regulated by the postal service. Group mailboxes will be installed in specific locations selected by the developer and approved by the local postal authority. Individual mailboxes are maintained by the homeowner.

IX. Construction Guidelines.

All construction must conform to the building code, zoning code and subdivision regulations of the City of Pueblo. In the interest of all Owners and contractors, the following regulations shall be enforced during the construction period. All contractors and Owners shall abide by these guidelines. Contractors shall be familiar with and abide by the applicable sections of the Declaration and these Design Guidelines. Failure to abide by these guidelines shall be deemed a violation of the Declaration.

A. Construction Limits.

The contractor shall provide a detailed plan of construction limits prior to construction. The plan shall be implemented with snow fencing, rope barricades or like material prior to construction. The plan shall include size and location for construction material, storage areas, and limits of excavation, access areas, parking, and chemical toilet location, temporary structures, dumpster, fire extinguisher, utility trenching and a construction sign.

B. Construction Trailers, Sheds or Temporary Structures.

Construction shelters shall be approved by the Committee as to their size, configuration, and location. All temporary structures shall be removed within 14 days after construction is complete.

C. Daily Operation.

Daily working operations hours for each construction site shall be 7:00 a.m. to 6:00 p.m. daily.

D. Excavation.

Excess excavation material shall be removed from the property and shall not be placed in common areas, roads, or other Lots (except as approved on a site-specific basis by the Committee.) Excavation, except from utility trenching, shall be on the Owner's site only. Contractors are expressly prohibited from spreading excess debris of material over the remainder of the Lot during backfill and final grading operations.

E. Housekeeping/Debris and Trash Removal.

Daily cleanup of the construction site is mandatory. All trash and debris shall be stored in a fenced trash disposal area and shall be removed from the trash disposal area on a weekly basis. All soil and debris flowing into the street(s) from the construction site shall be cleaned on a weekly basis.

F. Chemical Toilets.

Chemical toilets shall be provided by the contractor and placed in an approved location. All chemical toilets shall be confined to the street side of the Lot.

G. Vehicles and Parking.

All vehicles will be parked so as not to inhibit traffic or damage surrounding landscape. Vehicles shall not be left on Community Area streets overnight.

H. Pets.

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

I. Restoration and Repair.

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

J. Dust, Noise, Weeds and Odor.

Every effort shall be made to control dust, noise, weeds, 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 Lot construction area.

K. Signage.

Construction signs shall meet all current requirements of the Pueblo Zoning Ordinance. Construction signs must be no larger than 6 square feet and be placed on or near the building under construction.

L. Fire Extinguishers.

The minimum number and type of fire extinguisher(s) required by the City of Pueblo shall be located on each Lot in a conspicuous location.

M. Timeline. Contractors will submit a timeline for the completion of construction.

N. Other. The following items are prohibited during construction:

1. Oil changing of vehicles and equipment without proper receptacles and removal procedures.
2. Concrete equipment cleaning or concrete dumping without proper cleanup and restoration.
3. Removal of any rocks, trees, plants, or topsoils from any portions of the property other than the Owner's Lot.
4. Signs other than approved construction or real estate signs.
5. Careless use of cigarettes or flammable items.
6. Firearms.