

# Cherrywood Park III

## Homeowner Handbook And Design Guidelines

**(For Cherrywood park  
Filings #3, #4, #5 and #6 only)**

September 2013

**WELCOME TO  
CHERRYWOOD PARK III**

The Cherrywood Park III Architectural Committee has prepared this booklet to assist you with basic information about the Association, its architectural policies and procedures, and with other guidelines of the community. We

hope you will find it helpful, and will refer to it when you have questions about covenant enforcement, are preparing request for the Architectural Review Committee, or need information about other association matters.

## **Common Questions**

The Cherrywood Park III Homeowners Association is a non-profit corporation organized under the laws of the State of Colorado. The Association is administered by a Board of Directors who has the responsibility for financial management, enforcement of covenants, and provision of certain service to members of the Association. The Board is normally assisted in these tasks by a professional association management firm.

Each person residing within Cherrywood Park Filings 3, 4, 5 and 6 are mandatory members of the Association with obligations to abide by the covenants and pay assessments. The members of the Association shall meet at least annually to elect Directors and to conduct other business as may come before the Association.

Any questions or concerns that need clarification should be directed to the management company. If they are unable to respond to you, they will forward the issue to the Association's Board of Directors or appropriate committee. The Association is governed by several documents:

1. Declaration of Covenants, Conditions, and Restrictions; (the "Declaration")
2. Bylaws;
3. Articles of Incorporation; and
4. This Homeowners Handbook

Please review these documents at your earliest convenience to be familiar with the obligations and requirements of members.

The Association is responsible for covenant enforcement within Cherrywood Park Filings 3, 4, 5, and 6 and maintenance of most perimeter greenbelts for these same filings. (PLEASE NOTE: Cherrywood Park Filing No. 2 is not part of this Association - those homes are included in other associations.) The assessments also provide for management fees, directors/officers liability insurance, newsletter publication, postage, and business supplies.

### **The Association is NOT responsible for the following:**

- Snow removal on streets – all streets within the community are public streets and City of Thornton is responsible for snow removal.
- No maintenance of any home or privately owned lot – this is the responsibility of each owner.
- Curb-side trash collection is provided by the City of Thornton for a fee.
- Generally the Association has no authority to intervene in matters of civil law such as boundary or drainage disputes. In some cases, the Thornton Police Department or Code Enforcement Office may handle matters more effectively than the Association. Items of this nature might include roaming animals, abandoned vehicles, or persistent noise problems.

## **Architectural Policies**

A spirit of cooperation between the Architectural Review Committee (the "ARC") and the members of the Association will go far in creating a harmonious environment to benefit all homeowners. This will provide compatibility of improvements and protect your financial investment.

All exterior improvements you plan to make on your property **MUST BE SUBMITTED** to the Architectural Review Committee for review and decision, unless a specific "pre-approval" is listed in the following pages. The term "improvement" includes such items as landscaping, fencing, patios, decks, pools, hot tubs, play equipment, pet enclosures, deck covers, gazebos, storage facilities, room additions, cloths lines, solar panels, and exterior materials and colors. All reviews are made on their individual merit – approval or denial in one instance does not necessarily mean the same decision in a different set of circumstances.

Decisions of the ARC regarding your submittal will be mailed to you in written format and will be one of four responses:

- Approval
- Approval with conditions

- Request for additional information
- Denial

If you do not receive a written response within 60 days, the request is deemed DISAPPROVED. (Please note that no written response usually indicates that the request or the reply has been lost in the mail or misplaced. Please contact the Management Company to determine the status of the request.)

During the period of Special Declarant Rights, each Declarant (Richmond Home and Ryland Homes) has the right to appoint members of an Architectural Review Committee. Upon termination of the Special Declarant Rights, which will generally be when all homes within Cherrywood Park III are closed, the Board of Directors for the Association will appoint the members of the Architectural Review Committee. Your requests for approval of architectural changes are to be sent to the Management Company – the Management Company will forward them to ARC and track the responses.

**PLEASE NOTE: On-site personnel, such as a sales person or construction supervisor, do not have authority to approve architectural request items – you must submit them to the ARC as specified below.**

## **Architectural Submittal Procedures**

1. Please use the submittal form on the last page of this booklet to help you coordinate all information. Requests for approval should be mailed to the Management Company (address and fax numbers are on the submittal form and are listed above). The Management Company will forward requests to the Architectural Review Committee, track them through the process, and return written information to you regarding the Committee's decisions.
2. Plans and specifications must be detailed and include the following:
  - Plot plan showing the location of the improvement(s)
  - Landscaping description – identify trees, shrubs, mulch areas, flower beds, vegetable plots, walkways, etc.
  - Height, width, length, materials description, and color samples for any structures or equipment
  - Paint samples must be at least 2" x 2"
  - Don't forget to include your name, your address and phone number (and a mailing address for you if different than that of the property)
3. **PLAN AHEAD!! The ARC strives to respond to requests quickly, however, the Committee normally meets one per month at irregular intervals, and it may take up to 45 days for a response to be mailed to you.**

If a request is denied, you may appeal the decision of the ARC to the Board of Directors by submitting a written request through the Management Company within 30 days of denial. The Board of Directors will then set a date for a hearing and notify you as to the time and place.

**Any improvement installed without ARC approval is subject to removal at the owner's sole expense. The owner may also be subject to fines or other legal action.**

## **Design Guideline Summary**

Following is an alphabetical list of improvements, "pre-approved" items for more commonly requested changes, and several items that are specifically prohibited. This is not intended to be an all-inclusive list of possible submittal items.

Any item not included must be submitted for approval.

**BE SAFE! IF YOU HAVE ANY QUESTIONS, ASK FIRST!**

## **Accessory Structure**

Approval is required prior to installation.

All structures, such as gazebos, storage sheds, greenhouses, or playsets, will be evaluated on their individual merit, use, location on lot, and appearance. Samples, brochures, photographs, materials description, and a plot plan showing the structure TO SCALE are required. Structures should be placed to avoid unreasonable influence into neighboring yards.

See also Dog Kennels, Play Equipment, and Storage Structures.

## **Additions and Remodeling**

Approval is required prior to installation. Additions, expansion, or remodeling which will alter the exterior of any residence must include detailed plans, specifications, dimensions, and location. Certifications from licensed engineers and/or architects may also be required.

## **Address Numbers**

ARC approval is not required if the size of each number is no larger than 6" in height or width, and is a color compatible with the home. Only the four or five numerical numbers of the address are permitted.

## **Advertising**

See Signs.

## **Air Conditioning**

Approval is not required provided the unit is ground-mounted and placed at the rear of the home. Units may be placed on the side of the home provided adequate landscape screening or fencing is installed to shield the unit from view from the street. The unit should be located to minimize noise that may be disturbing to neighbors. Roof-mounted and window mounted cooling or heating systems are not permitted.

## **Antennas**

Pursuant to Article IX 7(d) of the Declaration, no exterior radio antennas, television antennas, or other antennas may be erected unless approved in writing by the Committee. Any facility for the transmission or reception of audio or visual signals shall be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure. Notwithstanding the foregoing, neither the restrictions nor the requirements of the Section shall apply to those antennas (which may include some satellite dishes and other devices) that are specifically covered by the Telecommunications Act of 1996, as amended from time to time. As to antennas which are specifically covered by the Telecommunications Act of 1996, as amended, the Committee shall be empowered to adopt rules and regulations governing the types of antennas that are permissible hereunder, and to the extent permitted by the Telecommunications Act of 1996, as amended, establishing reasonable, non-discriminatory restrictions relating to the appearance, safety, locations, and maintenance.

## **Attic Fan**

### **Permitted Types:**

- **Roof installation.** An attic fan may be installed on the roof, however, such installation must be as unobtrusive as possible. ARC approval is required.
- **Interior installation.** The ARC will not set any guidelines regarding interior attic fan installations unless venting is necessary for such installation. ARC approval will be required for external venting.
  - Vents on the side of the home must be painted to match the color of the home.
  - Size of the vent will be approved by the ARC. The homeowner must provide engineering data specifying the size of the duct.

## **Awnings**

**ARC** approval is required prior to installation. In general:

- Placement of attached awnings shall be subject to approval by the ARC. Awnings must compliment the architecture and paint colors of the Unit.
- Retractable awnings are permitted,
  - Must be neutral in color.
  - Preferred to be constructed of cloth (as apposed to metal or plastic).

## **Basketball Hoops**

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

- For safety and access reasons, hoops must be kept BEHIND THE SIDEWALK at all times, and are not allowed to be placed in the street.
- Portable hoops are allowed in the driveways from April 1 through October 31. From November 1 through March 30, portable hoops must be stored away from view unless being used in actual play.

**GARAGE MOUNTED HOOPS:** Approval is not required if the following guidelines are met

- Backboard must be white, clear, or painted to match the home and kept in good repair.
- Net must be neutral in color and kept in good repair.

**PERMANENT POLE MOUNTED HOOPS:** Approval is not required if the pole and hoop conform to the following

- Pole must be placed within 2' of the side of the driveway, and minimum 8' behind sidewalk.
- Hoop shall be placed on a black pole or pole painted to match the home. Maximum height is 10 feet.
- Recommended installation is a removable pole with a ground sleeve no further than 4" above grade.
- Backboard must be white, clear, or painted to match the home, and kept in good repair. Net must be neutral in color and kept in good repair.

**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 and proximity to neighbors.

## **Boats**

See Vehicles

## **Business Activities**

Home businesses are permitted subject to the requirements of Section 7.5 of the Declaration. In general, home businesses must not be apparent or detectable by sight, sound, or smell from the exterior of the Lot and must not increase traffic.

## **Campers**

See Vehicles

## **Clotheslines**

Drying racks and drying yards are not permitted. Retractable Clotheslines require ARC approval.

- Clotheslines must be no taller than 5 feet.
- Must be in the back yard of the unit.
- Must be screened from view with lattice work or fencing.
- When not in use they must be fully retracted.

## **Decks**

Approval is required prior to installation. Decks must be wood or wood-look material. Wood decks shall be left their natural color, stained with a

clear sealer, or may be painted a color that is 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. No freestanding decks will be approved.

**Deck 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.

**Decorations, Seasonal**

No approval is required provided materials are in good taste, installed no earlier than 30 days prior to the holiday, and removed within 30 days following the holiday. See also Flags.

**Decorations, Permanent**

Approval is required for any permanent items such as yard statuary, benches, arbors, birdbaths, fountains, wall-mounted art, etc.

**Dog Kennels and Dog Houses**

Approval is required for all pet enclosures. Maximum size of pet enclosure is 300 square feet and maximum height is 60". Suggested methods of containment are

- Open rail fencing with a weld wire (heavy gauge wire with 2" x 4" openings, also called "rabbit wire" or "grid wire", **not** chicken wire), also PVC covered weld wire in white
- Picket fencing with spaced installation
- Picket fencing with "shadow-box" installation
- "Invisible" below-ground electronic containment systems.

Chain link materials will not be approved – wood, PVC, or recycled wood-look materials are recommended. If a side property line fence is intended to be used as one wall of the pet enclosure, and the fence is jointly owned by adjoining neighbors, written approval must be obtained from the adjoining neighbor and submitted with the request for the pet enclosure.

The maximum size of doghouse that may be installed without prior approval is 48" in height width, and length. All other doghouses require approval prior to installation. Doghouses must be compatible with the home in material and color, and installed in the back yard only.

**Doors**

ARC approval is not required if the following conditions are met

- Screen/Storm/Security doors: must be white, black, bronze, or match existing color of home, scrollwork, and filigree is discouraged.
- 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**

Any interference with the established drainage pattern over any property within the community is done at the property owner's risk. This includes changes that occur due to the installation of any improvement, including but not limited to french drains, channelization, piping, landscaping, decks, patios, retaining walls, hot tubs, play equipment, and accessory structures. The "established drainage pattern" is that which exists at the time the final grading of any property is completed and the property conveyed to the owner. Fencing should be installed with a 2-3" gap at the bottom to allow for proper drainage into and through swales.

**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.**

**The ARC makes no representation of approval for changes to drainage and subsequent impact on adjacent properties.**

## **Driveways**

Approval is required for expansion or widening of a driveway. Widening for the purpose of extra parking will not be approved. Extensions to driveways may not exceed 3 feet in width on either side. Parking in rear or side yards is not permitted.

## **Evaporative Coolers**

**Requirements for evaporative coolers:**

- Equipment must receive ARC approval.
- Evaporative coolers may be installed in back windows. Such installation must fully comply with the installation specification of that device.
- Due to noise-generating quality of such devices, please consider the impact to your neighbors.
- Ground mounted evaporative coolers shall be permitted on a lot when appropriately screened from view by landscaping, fencing, or latticework so as not to be visible from any public street.
- Roof-mounted evaporative coolers **shall not be permitted unless** the Unit Owner can demonstrate to the ARC that such an installation will either:
  - Improve the cooler's effectiveness or
  - Decrease it's operating and installation cost.

## **Fences**

Prior approval is not required if the fence conforms to the following

- Maximum 72" high cedar picket fence, placed on (or less than 6" inside) the side or rear property lines. Corner lots must meet appropriate City setback requirements. Pickets shall be a minimum of 4" wide with 3 supporting rails. The smooth side of the fence shall be placed towards a street with the rail side of the fence to the inside of the lot.
- If a taller fence is installed to intersect with any shorter fence, the last section of fence must transition (taper) to meet the height of the shorter fence.
- Fencing may not be placed any further forward on the lot than the front corners of the main living areas of the home, including the garage, unless approved by the ARC.
- Double fencing is not permitted (such as a privacy fence immediately adjacent to an open rail fence). Perimeter fencing installed by the developer may not be removed, changed, or modified except for the installation of weld wire. No gates will be allowed in the perimeter fencing to provide access from lots to open space areas. Weld wire (heavy gauge wire with 2" x 4" openings, also called "rabbit wire" or "grid wire" [**not chicken wire**]) may be installed on open rail fence to contain pets and children, or to prevent entry of same into the yard.

**Approval is required prior to installation for any other type or location of fencing. Limited use of additional fencing around hot tubs, animal enclosures, or play areas will be considered on a case-by-case basis. Each case will be considered on its individual merit and need.**

Perimeter fencing adjacent to common areas is placed inside property line. The Association reserves the right to make repairs to common area fencing, and if necessary, to assess an owner in the event that damage is the result of owner's actions or negligence.

## Flags and Flagpoles

~~Bracket holders are permitted without prior approval. One United States flag and/or one Colorado flag are permitted to be displayed provided the each flag does not exceed 12 square feet. Permanent free-standing flagpoles are not permitted. Approval is required for all other flags/banners.~~

Owner Display of Flags. The Association shall not prohibit an Owner's request to display flags, so long as:

Owner Display of Flags. The Association shall not prohibit an Owner's request to display flags, so long as:

- a. Such flag is located within the boundaries of an Owner's Lot or displayed in a window of the residence. (Owners shall not be allowed to display flags on any other common elements of the community without written approval.);
- b. Such flag, if displayed outside of the Owner's residence, is mounted on a wall bracket or on an approved flagpole (See Section 4);
- c. Such flag does not contain a commercial message;
- d. The Owner/occupant displays only one (1) flag per topic, political office, or ballot issue;
- e. The allowed maximum size of a flag displayed via wall bracket holder is twelve (12) square feet;
- f. The allowed maximum size of a flag displayed via flagpole is three (3) feet by five (5) feet, unless the Owner has two (2) flags on the flagpole, in which the allowed maximum size for each of the two (2) flags on the flagpole shall be no more than twelve (12) square feet.
- g. Such flags shall be taken down in windstorms and inclement weather, and unless the flag is lighted, such flag shall be taken down at night;
- h. Such flags are maintained in a clean, orderly, and sightly condition. Flags that have unravelling or torn edges must be replaced; and
- i. All displayed flags must adhere to the American Federal Regulations (U.S. Code, Title 4, Chapter1-TheFlag.)

## Flagpoles

**Installation of Wall Mount Kit or Flagpoles. Flags may be installed using wall bracket holders or approved flagpoles.**

- a. Wall Bracket Holders. Wall bracket holders are permitted without prior approval. The wall bracket must be located a minimum of six (6) feet, eight (8) inches above the adjacent walking surface and the pole made of a non-corrosive material. Up to two (2) flags may be installed via wall mount kits (only 2 wall mount kits may be installed).
- b. Flagpoles. Flagpoles require written approval prior to installation and only one (1) flagpole may be installed on any

given Lot. Up to two (2) flags may be installed on a single flagpole.

- i. Flagpoles shall be a minimum of three (3) inches at the base and shall not exceed 16 feet in height.
- ii. Flagpole bases shall be installed plumb and with a minimum concrete base diameter equal to the pole diameter plus twelve (12) inches or four (4) times the diameter of the pole, whichever is greatest.
- iii. The base of a flagpole must be set twenty-four (24) inches deep into the ground.
- iv. Flag poles shall have a minimum setback from the street and property boundaries of sixteen (16) feet.
- v. Flagpoles shall be made of a non-corrosive metal and if painted, it shall be maintained in good condition at all times.
- vi. All ropes and connections shall be installed in a manner to prevent the rope and connections from creating noise during windy conditions.
- vii. The proposed installation of a flagpole on a common element (not within the Owner's Lot boundaries) is prohibited unless the Owner receives written approval for such installation.

**Garage Sales**

No approval is required for garage sales provided the items for sale are personal household goods, and have not been purchased for re-sale in bulk, at auction or estate sale, and provided the sale is held in such a manner so as to not disturb other residents of the area. All garage sales must comply with applicable municipal requirements. The Association reserves the right to place limitations on the number of times in one year that an individual property can be used for garage sales.

**Garages**

Each residence shall have a garage with the capacity for minimum two cars. No garages shall exceed capacity for four cars. For safety reasons as well as aesthetics, garage doors should be kept closed at all times except when entering or exiting.

See also Vehicle Parking

**Gardens**

Approval is not required; however both flower and vegetable beds should be shown on submittals of landscaping plan. Vegetable gardens are limited to back yards and height of mature plants shall not exceed 8 feet. All gardens shall be kept in a neat, weed-free condition.

**Gazebos**

Approval is required prior to installation for all freestanding structures. Each submittal will be considered on its individual merit and intent.

See also Accessory Structures.

**Grade Change**

See Drainage.

**Greenhouses**

See Accessory Structures.

## Hot Tub/Spa/Sauna

Approval is required prior to installation for any exterior hot tub, spa equipment, or sauna. The equipment must be designed as 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, drainage, or other such problems. The equipment will only be permitted in back yards, and should be installed at ground level.

## Irrigation Systems

Automatic irrigation systems do not require approval from ARC provided they are installed as part of an approved landscaping plan and do not encroach into common areas.

## Landscaping

Approval is required prior to installation.

Front yards will be landscaped by the builder as soon as practical after completion of the home. The balance of the lot shall be complete within 12 months after conveyance of the property to the owner. A winter contingency shall be considered for the purposes of landscape installation. The landscape season shall be considered to begin on April 1<sup>st</sup> and continue until October 31<sup>st</sup>.

75% of the lot, excluding the home, garage, driveway, or patio (the "unimproved area") must utilize "long-lived" ground cover such as bluegrass, shrubs, trees, or other planted materials. A maximum of 25% of the unimproved area of the lot may be complete using non-living durable material or short-lived plantings. All grassed areas must be installed with sod. Seeding will not be permitted.

*Xeriscape or drought-tolerant vegetative landscape may be substituted for "bluegrass or turf grass." ARC approval is required for the Xeriscape plan.*

An underground sprinkler system shall be installed at the time of initial landscaping.

Landscaping shall be kept at all times in a neat, healthy, and attractive condition.

See also Drainage.

## Latticework

Approval is required prior to installation for any latticework or other types of exterior screening. Lattice shall be a minimum of ½" thick, painted or stained to match the deck or the home, and shall be kept in good condition.

## Lights/Exterior Lights

ARC approval is not required if lighting is 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.
- One post light is permitted with maximum lighting of 150 watts.
- All lighting fixtures should be dark colored to minimize appearance or be selected to blend with the surface on which they are installed.

All other lighting must be submitted for approval.

### Energy-Efficient Outdoor Lighting Devices

- ARC approval is required.
  - Post lights, spotlights, security flood lights, strobe lights, ground lighting, and accent lighting.
  - Exterior walkway and security light must be directed to prevent light intrusion into adjacent property.
  - Light fixtures shall be compatible with the existing features in both scale and style. A sketch, picture, or cut sheet of the proposed fixture shall be included in the ARC request.

### Mailboxes

Mail delivery in this community is anticipated as curbside delivery to paired mailboxes. Mailboxes shall meet the design as shown on Addendum 1.

### Motor Homes

See Recreational Vehicles

### Painting (House)

~~Approval is required prior to installation of any exterior colors and materials. Approval will take into consideration the color tone and brightness, architectural style, stone or brick accents, roofing colors, compatibility with other colors, and the color of neighboring properties. No adjacent properties shall be allowed to use the same color scheme. Repainting with the same colors as originally installed does not require ARC approval. Garage doors are to be painted the same as the body color of the home.~~

~~Color samples must be at least 2" x 2" and must provide two paint samples per color with the submittal, and marked clearly as to the areas in which they will be used. Exterior finishes shall be subdued muted tones of gray, green, brown, beige, ivory, slate, etc. 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.~~

~~All homes are to be painted and/or maintained on the regular basis so as to prevent chipping, peeling, fading, or other general signs of disrepair and neglect.~~

Homeowners may repaint their original colors or their existing approved colors without submitting an ARC request. To repaint a different color they must submit an ARC request and may only choose from the colors in the three approved paint books and the final paint must match the samples and may be checked by the association for color match. Failure to match will require repainting to match.

Color schemes may only be selected from the designated color schemes approved for Cherrywood Park III. Approved color schemes consist of subdued, muted tones of gray, green, brown, beige, ivory, and slate appropriate to our community with complimentary trim and accent colors.

Choice of color scheme should also consider stone and brick accents, roofing color and the colors of neighboring properties. No adjacent properties shall be allowed to use the same scheme.

Cherrywood Park III paint color scheme sample books may be viewed at the Association's management office by appointment or checked out for 72 hours. The color scheme sample books are compiled from current and past paints used. Most brands of paint are able to duplicate the paints using the numbers provided in the sample books or by matching the colors samples in the books.

Homes painted with an incorrect color formula, will not be waived or receive an exemption, and must promptly be corrected.

All requests for approval must be made on a Cherrywood Park III Architectural Review Committee (ARC) form. Submit a completed ARC form by U.S Mail, fax or email to the management office for processing by the ARC.

Homeowner ARC forms must include the following information:

- Confirm that your color scheme is not the same as either home next door, directly across the street or backing up to one another on a corner lot.

- If homeowners have shutters and do not choose to use the designated front entry door/shutter color in their selected paint scheme, the trim color may instead be used within the approved scheme.

- All overhead garage doors must be painted to match a home's solid body/base color.be current base/body and trim color

### **Patios**

Approval is required prior to installation. Materials compatible with the home in color and size such a pavers, flagstone, or concrete should be utilized.

See also Additions/Expansions and Decks.

### **Patio Covers**

Approval is required prior to installation.

See Deck Covers.

### **Pets**

Common household pets may be kept; however, they may not be bred or maintained for commercial purposes. Livestock, such as horses, poultry, swine, goats, etc. are not permitted. Their owners shall control all pets at all times and each owner is responsible for any damage caused by their pet.

### **Play Equipment**

Approval is required prior to installation. This includes 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 6' from any property line (except sport courts, see below). Maximum allowable height is 10 feet from ground with natural wood and/or earth-tone finishes preferred. Additional landscape screening or setbacks may be required depending on location of play area and proximity to adjacent properties.

See also Basketball Hoops and Trampolines.

**Sport courts will be evaluated on an individual basis.** In general, sport courts may not exceed 625 feet, must be at least 15' from any property line, placed in back yards only, and finish materials shall be of a neutral color such as green or gray. In addition, written acknowledgement from all immediately adjacent neighbors will be required indicating their approval or disapproval of proposed plans. The Association reserves the right to deny any court for any reason, and may require vertical landscaping improvements or other screening material.

### **Recreational Vehicles**

No recreational vehicles ("RV", camper, trailer, motor home) may be parked or stored in view at any time except during 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 waiver** from ARC, a recreational vehicle belonging to an owner's visitor may be parked on the owner's lot or adjacent street for period not to exceed 72 hours. The ARC specifically reserved the right to limit the number of time sin any one season in which a waiver is granted.

Other types of "recreational" vehicles or "recreational" equipment such as boats, jet skis, off-road motorcycles, snowmobiles, etc. are addressed under Vehicles.

### **Retaining Walls**

Approval is required prior to installation. Any retaining wall in excess of 36" must be accompanied by a professional engineer's certificate of structural design.

See also Drainage.

### **Roofing**

Approval is required prior to installation. Roofing material shall be, at the minimum, current manufacturers industry standard warranty for composition shingles. Recognizing that future technology may render other materials more compatible, replacement roofing products will be considered on a case-by-case basis.

It is recognized that roofing material of some manufactures on the Richmond homes is no longer available and replacement of damaged shingles with non compatible units will void any existing warranty and may require replacement of the entire roof. Replacement of roofs will be considered on a case by case basis and will require roofing materials that have acceptable profiles and color. The roofing material shall have a minimum current manufacturers industry standard warranty. ARC approval is required.

### **Sheds**

See Storage Structures.

### **Siding, Exterior Materials**

Approval is required prior to installation for any change to any exterior materials on the home. In general, those areas that were painted must remain painted, and those areas with stone or brick must be left as stone or brick in their original colors and texture.

### **Shutters**

ARC approval is required. Shutters must match the color of the trim of the trim or the existing shutters. Shutters may be made of wood, vinyl, or fiberglass. Retractable shutters are approved if the foregoing conditions are met.

### **Signs**

~~Approval is required for all signs with the following exception: one sign advertising the home for sale or for lease, not to exceed 5 square feet. Signs shall be removed within 2 weeks after closing/transfer of property.~~

**Owner Display of Signs. The Association shall not prohibit an Owner's request to display signs, so long as:**

- a. Such sign is located within the boundaries of the Owner's Lot or in a window of the residence (Owners shall not be allowed to display signs on any common elements of the community without written approval.);**
- b. Such sign does not contain a commercial message, other than signs indicating that such Lot is for sale or rent (See Subsection 2(c));**

- c. The Owner/occupant displays no more than one (1) sign to advertise the sale or lease of the residence and such sign shall be removed within two (2) weeks after the property has sold or has been leased;
- d. The Owner/occupant displays only one (1) sign per topic, political office, or ballot issue;
- e. Such signs are maintained in a clean, orderly, and sightly condition;
- f. Such signs are setback from the street and property lines by a minimum of six (6) feet; and
- g. The allowed maximum size of a displayed sign is no more than five (5) square feet

### **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.

### **Solar Energy Devices**

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.

**Two types of installation are permitted:**

- **Backyard installation.** The panels must be installed in the rear yard with no portion of the unit exceeding six feet in height from the ground. If the panels are visible from the street, then they must be painted to match the surrounding landscape.
- **Roof installation guidelines.** Owners must mount their solar panels directly on the roof. Solar panels must be of a color, size, and shape so as to be as unobtrusive and consistent as possible with the roofline. Solar panels shall not cover more than 25% of the roof. Panels must face towards the rear of the house unless otherwise approved by the ARC.

### **Storage Structures**

Approval is required prior to installation. Storage Structures are only permitted in rear yards, or in side yards behind a privacy fence. Additional restrictions, including, but not limited to visual screening or landscaping, may be imposed by the Committee based on the Committee's evaluation of the lot, grade, and visibility of the storage structure from the street or adjoining property.

"Low Profile" Sheds:

- A Low Profile shed is defined as a storage structure, which does not exceed 6 feet in height at any point as measured from ground level, and further, which does not exceed a total of 48 square feet.
- A minimum set back of 6 feet from all property lines will be required of a Low Profile Shed. Sheds of any size should not be installed within the boundaries of a utility easement.
- A Low Profile Shed shall match the colors and materials of the home, and shall be maintained in clean, neat, and attractive condition at all times.

"High Profile" Sheds:

- A High Profile Shed is defined as a storage structure, which may exceed 6 feet in height but does not exceed 8 feet in height at any point measured from ground level and further, which does not exceed a total of 80 square feet.
- A minimum setback of 10 feet from all property lines will be required for a High Profile Shed. Sheds of any size should not be installed within the boundaries of a utility easement.
- A High Profile Shed shall match the colors and materials of the home, and shall be maintained in a clean, neat, and attractive condition at all times.

No sheds in excess of 8 feet in height at any point, or in excess of 80 square feet will be permitted. "Storage Units" (for example, a vinyl or rubber product manufactured by Rubbermaid or similar company) which are smaller than a Low Profile Shed may be given variances with respect to location, color, and/or material.

See also Additions and Remodeling.

**See Evaporative Coolers.**

Approval is required for all types of swimming pools except at noted below, whether in-ground or above-ground. Appropriate permits must be obtained from the governing municipality and all safety requirements met.

Inflatable or lightweight wading pools and splash pools not exceeding 6 feet in diameter, placed in the back yard, may be used without prior approval.

**Swamp Coolers  
Swimming Pools**

**Swing sets**

See Play Equipment.

**Trampoline**

Approval is required prior to installation. The top surface of the trampoline shall not exceed 6 feet from any property line. Safety netting or other containment materials may only be used if the trampoline and netting combined does not exceed 10 feet in height from ground level.

**Trellis**

Any structure may not exceed ten (10) feet in height. Freestanding trellises may not exceed nine (9) feet in total height and shall be placed so as not to be visible from the street. Placement of such structures shall be subject to the setback requirements of the City of Thornton and the approval of the Arc

**Trailers**

See Vehicles and Vehicles, Parking.

**Trash Containers**

Trash containers shall only be placed at curbside for pick-up after 6:00 a.m. on the day of pick-up and shall be returned to a proper storage location by 9:00 p.m. the day of pick-up. Trash containers shall be stored out of sight at all times except on the day of pick-up, and shall be kept in a clean and sanitary condition.

**Tree Houses**

Tree houses are not permitted.

**Unightly Conditions**

No unsightly article or conditions shall be permitted to remain or accumulate on any lot. By way of example, but not limitation, such items could include rock or mulch piles, construction materials, abandoned toys, inoperable vehicles, dead, or dying landscaping, peeling, or faded paint, gardening equipment not in actual use, fencing in disrepair, etc.

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 14 days of delivery.

<b>Vehicles</b>	Without limiting the generality of the following, all recreational vehicles must be 100% shielded from view in an approved garage, approved out-building or stored off-site at all times except when in actual use for the purpose intended or as provided in "Recreational Vehicles" section: mobile homes, recreational vehicles, graders, tractors, boats, campers, trailers, wagons, buses, sleighs, off-road motorcycles, motor scooters, all-terrain vehicles, snowmobiles, snow removal equipment, garden and maintenance equipment, and all commercial and business vehicles. A commercial vehicle is defined as any pickup truck in excess of 1 ton and/or any vehicle that has advertising material affixed to its exterior.
<b>Vehicles, Parking</b>	Garages are intended for the storage of vehicles and should not be used for general storage. No abandoned or inoperative vehicles are allowed to be parked or stored on any visible portion of the property at any time except during transport to or from the property, and then only for a period not to exceed 24 hours.
<b>Vehicles, Repair</b>	Repairs of vehicles shall be performed within the confines of closed garage (unless such repair created a health or safety hazard), however any such vehicle under repair shall not be allowed to become and unsightly article or nuisance.
<b>Weather Vanes</b>	Approval is required prior to installation.
<b>Wind Generators</b>	<b>Wind electric generators are not permitted within Cherrywood Park III.</b>
<b>Windows</b>	All windows shall be painted or stained wood, vinyl, or non-reflecting metal frames and dividers. Mill finish on aluminum windows is specifically prohibited. Reflective glass is not permitted.
<b>Window Coverings</b>	Windows shall be covered with curtains, draperies, or other acceptable covering within 6 months of occupancy. Window coverings shall be compatible with the architectural character of the residence. Reflective shades or film-type window coverings are specifically prohibited. Windows that are decorative in nature, such as transoms, side lights, or special accent shapes, are not required to be covered.
<b>Wood Storage</b>	Approval is not required provided that wood is neatly stacked at the rear of the home, and does not exceed 2 cords at any point in time.