

DESIGN GUIDELINES
for the
VENTANA COMMUNITY

as set forth by the
Architectural Committee
and the
Ventana Metropolitan District

Adopted August 7, 2018; and
as Amended February 9, 2022; and
as Amended January 16, 2023; and
as Amended March 27, 2024

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ARTICLE I GENERAL INFORMATION

Section 1.1 The Purpose.

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

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

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

Section 1.2 Legal Authority.

Authority for design review is grounded in the governing documents for this community, specifically the Service Plan for the Ventana Metro District (the “VMD”) which shall have the authority to enforce any covenants or design criteria for the community. Property owners should refer to the recorded plat and development plans, the Articles, Bylaws, Design Guidelines, Rules and Regulations (if any) and Resolutions adopted by the Board of the VMD. Under the terms of this document, the Board of the VMD hereby adopts these Design Guidelines as the basis for all design review. Should these guidelines be revised, such revisions shall then take precedence over previous versions of the guidelines. The VMD shall govern should any discrepancies occur between these Guidelines and other recorded documents.

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

These Design Guidelines are supplemental to regulations normally in effect for this property, including the City of Fountain Zoning and Subdivision Regulations and applicable federal and state regulations as well as pertinent building codes. All construction shall comply with these Design Guidelines and all other applicable regulations including but not limited to the Pikes Peak Regional Building Department (PPRBD).

Section 1.4 Recommendation for Professional Guidance.

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

Section 1.5 Non-liability.

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

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

Section 1.6 Aesthetic Considerations.

Aesthetic considerations relating to any improvement or other matter that is addressed in these Design Guidelines are within the scope of the design review process, and the AC may deny or condition any application or request before it on the basis of aesthetic considerations, including the design theme for the development and specific areas within the development as well as the aesthetic consistency of a proposed improvement or other matter with the surrounding landscape.

Section 1.7 Administration of the Design Guidelines.

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

ARTICLE II DESIGN REVIEW PROCEDURES

Section 2.1 Submission of Drawings and Plans.

All Builders, Owners, contractors, subcontractors and/or their designated representatives shall comply with the following Design Review Procedures in order to gain approval for any improvement to property within Ventana. All construction that is to be undertaken in these neighborhoods, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements, including but not limited to, walks, driveways, drainage, fencing, lighting, landscape planting or other exterior improvements, is subject to review and approval

under these Design Guidelines. Unless otherwise specifically stated herein, drawings or plans for a proposed improvement must be submitted to the AC and the written approval of the AC must be obtained before the improvements are made. The AC shall not charge any fees for review however any reasonable engineering, consulting or other fee incurred by the AC for reviewing any proposed improvement will be assessed to the Owner requesting approval.

Section 2.2 Architectural Plan Review.

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

1. One set of architectural plans at a scale of 1/4" = 1'0", including:
 - a. Architectural elevations (front, sides and rear).
 - b. Floor plans, including square footage for each floor.
 - c. Roof plans indicating pitches, ridges, valleys and location of mounted equipment.
 - d. Indication of all proposed exterior materials including proposed colors.
 - e. Exterior details, including items such as chimneys, exterior stairs and decks, and railings.
 - f. Any other proposed improvements (i.e., decks, awnings, hot tubs, etc.)
2. Site Plan of the lot, at a scale of 1" = 20' or 1" = 30', including:
 - a. Lot lines and dimensions, building setbacks, street right-of-way, curb lines and easements.
 - b. Existing or proposed contour lines at 2' intervals extending to all property lines, existing or proposed street elevations, finish grade at building corners, and drainage swales may be required. Finish floor, and garage slab elevations also may be required.
 - c. Building footprint, including finish floor and garage elevation.
 - d. Walks, driveways, decks, accessory structures, dog runs or privacy fencing, retaining walls with top and bottom of wall elevations.
3. Upon a Builder receiving approval from the AC for a particular Master Plan model, subsequent submissions to the AC for the same model shall require the AC to only consider the location of the improvements upon the lot, compatibility of the model to the particular lot and proximity to the same model on other lots. Further, subject to the review set forth in this Section, 2.2, a Builder may seek pre-approval from the AC for a particular model or models.

Section 2.3 Landscape Plan and Other Site Improvements Review.

Approval shall be obtained prior to installation, modification, removal or replacement of any

landscaping or any other site improvements including, but not limited to, pet enclosures, play & sports equipment, fencing, deck or patio additions, site lighting, etc. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, landscape architect, or draftsmen, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the AC. The following guidelines should be utilized in preparing drawings or plans:

The drawing or plan should be done at a scale of 1" = 20' or 1" = 30' 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 Plot Plan Review.
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. In addition to lot specific landscape plans, builders may provide and receive advanced approval for lot typical plan. Due to the varied size and types of lots, a "typical plan" must cover the different conditions that will be encountered such as "Narrow front/wide rear", "Wide Front/Narrow Rear", and "Corner Lots."

Section 2.4 Revisions and Additions to Approved Plans.

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

Section 2.5 Action by the AC.

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

Section 2.6 Certification of Accuracy.

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

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

approved plans.

2. The building foundation elevation is as approved (+/- 6" tolerance) by the AC in the final approved plans.
3. The certificate must be in the form of an improvement survey showing dimensions of foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of top of foundation walls. Points at which elevations are taken must be clearly identified and correlate with location of top of foundation as shown on the final approved plans.

Section 2.7 Review of Work in Progress.

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

Section 2.8 Rights of Appeal.

Any Builder or Owner aggrieved by a decision of the AC may appeal the decision to the Board of the VMD 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 AC. If the decision of the AC is overruled by the Board on any issue or question, the prior decision of the AC shall be deemed modified to the extent specified by the Board and such decision, as so modified, shall thereafter be deemed the decision of the AC. If not appealed, or as so modified or affirmed, the decision of the AC shall be conclusive and binding on all interested parties.

Section 2.9 Effect of Governmental and Other Regulations.

Approval of plans by the AC shall not be deemed to constitute compliance with the requirements of any local, zoning, safety, health or fire codes, and it shall be the responsibility of the Builder, Owner or duly authorized representative submitting plans to assure compliance with all applicable rules and regulations. Nor shall any approval waive any requirements on the part of the Builder, Owner or their representative to comply with setbacks, height restrictions, or other requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the AC and the City of Fountain, where applicable.

Section 2.10 Period of Plan Validation.

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

site requires resubmittal of plans following the requirements as outlined above.

**ARTICLE III
IMPROVEMENT STANDARDS**

Section 3.1 Zoning.

Ventana, a single-family residential area, is zoned within the City of Fountain.

Section 3.2 Building Setbacks.

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

Section 3.3 Maximum Building Coverage.

In conformance with the applicable Development Plan for Ventana, the maximum coverage of the Lot by structure(s) shall comply with the City of Fountain’ development standards.

Section 3.4 Home Size.

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

Two story	600 square feet
Ranch	1000 square feet

Additionally, some filings may include minimum width requirements for the front elevation.

Section 3.5 Streetscape Variety.

Model Repetition: Within the development, repetition of models is permitted, subject to the requirements set forth by local municipality.

Exterior Color Repetition: Within the development, repetition of colors is permitted subject to the requirements set forth in this Section. In order to maintain architectural variety within the neighborhoods, the same body color may not be on two adjacent homes, left or right, nor may the same body color be on a home across the street if the lots overlap by more than 50%.

Section 3.6 Grading and Drainage.

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

Section 3.7 Erosion Control.

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

Section 3.8 Driveways and Parking.

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

The recorded plat for some filings may restrict access from some lots onto certain specified streets. These are called “Restricted Lots”. All persons or entities having any interest in any of the Restricted Lots are required to and shall arrange and maintain any drives, dwelling or other structures so that ingress and egress to and from their Lot(s) is in compliance with the restrictions shown on the recorded plat and the approved Development Plan. Extension or expansion of driveways requires AC approval. Any approved driveway expansion shall not be intended to promote the parking or storage of any vehicle off the driveway on a side yard. The AC will review requests for circular driveways on a case-by-case basis with consideration given to, but not necessarily limited to, the setback of the home from the street, and the size of the lot and distance of street frontage. On corner lots, the driveways should be set back from the corner a minimum of 30 feet from the intersection of the corner street. The width of the driveway shall not exceed 24 feet at the curb.

Recreational Vehicles (boat, trailer, camper, tractor, commercial vehicle, mobile home, motor homes, any towed trailer unit, motorcycle, all-terrain vehicle) may be parked on a driveway, provided it fits on the paved surface, without encroaching on the landscape or front sidewalk. Parking of Recreational Vehicles on the public streets shall be limited to 72-hours for loading and unloading in accordance with Ordinances the City of Fountain.

Commented [HS1]: 3rd Amendment to Design Guidelines
2024.03.27

Section 3.9 Garage Doors.

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

Ancillary Improvement Standards

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

Section 3.10 Accessory Structures.

Accessory structures such as storage sheds, gazebos, greenhouses, etc. shall be located in the rear yard or in a location not prominently visible to the street or adjacent homes and shall adhere to the standards of site development and architectural standards provided herein or otherwise by the VMD. Carports are prohibited. Requests for approval for accessory structures will be reviewed on a case-by-case basis, taking into consideration the exterior finish, colors, lot size, square footage

of the home and proposed location of the accessory structure, etc. Gazebos must be an integral part of the landscape plan. Accessory structures are limited to one story as defined by PPRBD and shall not exceed 10' without AC approval.

Section 3.11 Air Conditioning Equipment.

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

Section 3.12 Awnings/Patio Covers/Shutters.

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

Section 3.13 Exterior Lighting.

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

Holiday décor must be securely anchored with electrical components sheathed for safety. The illumination of temporary holiday lighting shall be restricted between the hours of 10:00 p.m. to 6:00 a.m. each night.

Commented [HS2]: 3rd Amendment to Design Guidelines
2024.03.27

Section 3.14 Fencing.

Interior Rear Yard Fencing: All solid rear yard fencing shall be ~~five-six (65)~~ feet tall and constructed of tan, sand or almond colored vinyl (or PVC) fencing placed without spacing with proper transitions to different height fencing adjacent.

Commented [HS3]: 1st Amendment to Design Guidelines
2022.02.09

Solid wing fencing must be set back a minimum of 5' from the front corner of the home and approximately half the distance between the front and the rear of the home. Wing fencing should match the setback of existing wing fencing on the adjacent property where feasible.

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

Dog Run Fencing: The AC encourages the use of underground ("invisible") dog run fences to promote the open character of the neighborhood. The AC 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. Chain link and chicken wire are expressly prohibited.

Front Yard Fencing: Front yard fencing is allowed on a case-by-case basis and to be considered as an ornamental aesthetic addition to the property. Materials not accepted for front yard shall include, but

not limited to chain link, barb wire fencing, silt fencing, and privacy fencing. All front yard fencing will be presented to the Architectural Review Committee for consideration.

Commented [HS4]: 2nd Amendment to Design Guidelines 2023.01.16

Section 3.15 Hot Tub/Jacuzzi.

Installation of hot tubs and Jacuzzis require prior AC 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.

Section 3.16 Painting/Repainting.

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

Downspouts must be painted to match the body or trim color of the home.

Section 3.17 Play and Sports Equipment.

All play structures and equipment, both permanent and portable, are required to be approved by the AC for design, size, and placement prior to installation. All play/sports equipment (i.e., trampolines, swing sets, jungle gyms, basketball hoop and backboards, etc.) is-are to 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 ten (10) feet from property lines unless otherwise approved by the AC.

Consideration shall be given to 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 (brown, black, dark green) and shall not exceed eight (8) feet in height unless otherwise approved by the AC. Play equipment or items used for front or unenclosed rear or side yard play should be stored out of view when not in use. Out of view shall be defined as within the confines of the home or garage or within the confines of a fenced back yard.

Any type of play set, swing set or trampoline must be properly screened as a condition of approval in order to ensure that no unauthorized access is permitted. Properly screened shall be defined as within a completely fenced yard where the fencing is in compliance with the Association's-District's design guidelines. Trampolines must be installed at grade level to minimize visual and auditory impact on neighboring Lots. No color, other than black or dark green shall be permitted on any play set, swing set or trampoline unless the color is screened from neighboring lots by a privacy fence around the back yard.

PORTABLE HOOPS: Portable hoops must be collapsible and incorporate a significantly weighted base. Portable hoops may be wheeled into the driveway or sidewalk/right-of-way directly out front of the home for play but may not be placed in the street for any period of time. All portable hoops must be collapsed and stored on the driveway or on the thin strip of landscaping beside the driveway when not actively in use.

PERMANANT HOOPS: All requests will be evaluated on placement and circumstances, as well as driveway/court area surface, visual screening, and proximity to neighbors.

Basketball backboards (portable & temporary) must be PERMANENTLY mounted on a pole or securely attached to the home.

All basketball equipment must consist of new materials and must be maintained in like-new condition. Damaged or frayed netting must be replaced immediately upon notification. Should any portion of the equipment become damaged or ill maintained, replacement or removal will be required within thirty (30) days of notice.”

~~Requests for free standing, pole-mounted backboards will be considered by the AC in the front yard along the side of the driveway only or in the side and rear yards areas subject to the following considerations: Proximity to the property lines, proximity to adjoining homes, landscaping and vehicles. Portable freestanding basketball backboards are permitted only with AC approval. Unattended play equipment located in the street is subject to regulation by the City of Fountain.~~

~~Basketball backboards located in front yards must be permanently mounted on a pole on the exterior side of the driveway approximately halfway between the sidewalk and the front of the residence with a minimum setback of five (5) feet from property lines.~~

~~Backboards may not be located along any sidewalk or street. Backboards attached to a residence and portable backboards are not permitted. Backboards are not permitted in the side yards. Backboards located in rear yards must be set back a minimum of 10' from property lines.~~

~~Pole supports shall be black in color (or as approved by the AC on a case-by-case basis.) No radical or neon colors on backboards shall be permitted. Acceptable backboard colors are considered as white or clear for the backboard, white for the net and orange or black for the rim.~~

Commented [HS5]: 3rd Amendment to Design Guidelines
2024.03.27

Section 3.18 Satellite Dishes/Antennae.

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

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

Section 3.19 Screen/Security Doors and Windows.

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

Section 3.20 Signs/Address Numbers.

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

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

Section 3.21 Solar Equipment/Skylights.

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

Section 3.22 Swimming Pools.

Requests for swimming pools will be reviewed on a case-by-case basis by the AC 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. Recognizing the specific requirements of the City of Fountain, the placement of pools on a home site shall be given careful scrutiny by the AC.

Section 3.23 Trash Receptacles.

Owners are to store their trash containers in the garage, ~~or~~ secured and screened behind privacy fencing, or at the top corner of the driveway, flush against the home and abutting any existing walkway or path on the side of the home. except for the day of collection services. All containers are to have attached lid and be secured to prevent them from blowing away. Recycling containers must be maintained in a likewise manner.

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2024.03.28

Section 3.24 Yard Ornaments.

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

Architectural Standards

Section 3.25 Architectural Style.

No mandatory architectural style is required for Ventana. However, it is the intent of these standards that residential design solutions develop proportions and details appropriate to the home site and neighboring properties. To this end, careful scrutiny will be given to the massing, proportions, overall scale and the homes' materials, color and textures. To accomplish this goal,

the following minimum architectural standards shall apply to both new home construction and home remodels or renovations.

Section 3.26 Massing.

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

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

Section 3.27 Architectural Detailing.

In order to add definition and break up flat planes of walls, the use of architectural elements to create shadow lines is encouraged to be incorporated in the design of the home. Architectural elements to accomplish this definition include recessed windows, deep eaves and offset wall planes window shutters, well-proportioned porches with brackets, trellises and arbors, decks, detailed fascias, belly bands, etc.

Section 3.28 Maximum Building Height.

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

Section 3.29 Exterior Materials.

Use of bright, unfinished, colored, and reflective or mirrored surfaces or glass is not permitted. Exposed concrete foundation walls shall be minimized by grading, retaining walls or landscaping. The maximum width of masonry or wood lap siding is nine inches (9”).

Section 3.30 Roof Form & Material.

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

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

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. must be carefully

located and finished to complement other elements of the design. Unfinished and exposed metal detailing should be painted. When possible, flues and vents should be located out of view of the front of the home.

Section 3.31 Decks.

Decks must maintain the overall form and be a natural extension of the architecture. Deck supports must have a substantial scale that visually anchors them to the ground and should be a minimum of 4"x 4" in size.

Section 3.32 Patios, Decks and Paving Materials.

Outdoor living areas are encouraged. 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.

Section 3.33 Retaining Walls.

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

The use of rock boulders, stone, and/or masonry is required.

Section 3.34 Vegetable Gardens.

Vegetable gardens must be located in the rear or side areas of the home site so that both the garden and its accessory operating areas are substantially screened from view of adjacent homes and public areas.

Section 3.35 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, Builders, or their assignees. All landscaping shall be installed in accordance with landscaping plans submitted to and approved by the AC, which plans shall be drawn to scale and shall set forth the location of landscaping, type of landscape materials, and be in accord with the requirements of this section. The AC may impose a fee for review of homeowner changes, including modification to landscaping plan. The front and back yards of each Lot improved with a Home shall be fully landscaped no later than six (6) months (weather permitting) after the date of conveyance from a Builder or its assignee to an Owner.

Front Yard. It is recommended that a maximum of thirty percent (30%) of the front yard of each Lot shall be landscaped utilizing "long lived" ground cover such as bluegrass or brome fescue. Landscape rock shall be installed in the area between the sidewalk and streets. At least two (2) trees, which may be a 1 1/2- inch caliper deciduous tree or an evergreen tree of at least six (6) feet in height, must be planted in the front yard. Any lots less than 5,000 square feet or located on the corner of two streets will require only one (1) tree, which may be a 1 1/2- inch caliper deciduous tree or an evergreen tree of at least six (6) feet in height. The front yard must contain a minimum

total of nine 5-gallon size bushes and eighteen 1-gallon size bushes, ornamental grasses or perennials.

The front yard of each Lot is defined as that area between the Street and a line extended from the front corners of the Home to each side Lot line. The landscaping plan shall include an adequate underground sprinkler system, which shall be installed at the time of initial landscaping.

Back Yard. The back yard of each Lot shall be landscaped with turf, landscape rock, or utilizing “long lived” ground cover such as bluegrass or brome fescue, or AC -approved artificial turf.

The quantity of rear yard bushes, ornamental grasses or perennials is at the discretion of the builder or homeowner.

The Metro District and/or the AC, if it is elected, has the right to enforce the landscape requirements and may fine Owner an amount set by the Metro District or AC, who fail to comply after thirty (30) days written notice that they are in violation of the landscape requirements. Owners may ask for a weather exemption to last no more than 6 months, if the time of year, such as winter, would not be appropriate for planting.

Section 3.36 Landscape Maintenance.

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plant material, elimination of weeds and undesirable grasses and removed of trash.

Miscellaneous Other Restrictions

Section 3.37 Concrete Equipment.

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

Section 3.38 Pets.

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

Section 3.39 Animals.

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

Section 3.40 Pet Noise.

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

Section 3.41 Pet Waste.

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

Section 3.42 Subdividing of Lots.

No lot may be subdivided into two or more lots.

Section 3.43 Maintenance Equipment.

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

Section 3.44 Structure Encroachments.

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

Section 3.45 Encroachments.

Encroachments onto District Properties will not be allowed.

ARTICLE IV CONSTRUCTION PERIOD REGULATIONS

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

Section 4.1 OSHA.

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

Section 4.2 Construction Hours.

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

Section 4.3 Construction Access.

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

Section 4.4 Excavation.

Excess excavation material shall be removed from the property and shall not be placed in common areas or on roads. Excavation, except for utility trenching, shall be on the Owner's home site only. Contractors are prohibited from spreading excess debris or material over the remainder of the home site, roadway, other property, or any other home site without approval. Extreme care shall be taken by Builders and Owners to protect and preserve existing vegetation and other natural features on their lots.

Section 4.5 Debris and Trash Removal.

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

Section 4.6 Vehicles and Parking.

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

Section 4.7 Pets on Construction Sites.

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

Section 4.8 Blasting.

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

Section 4.9 Restoration and Repair.

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

Section 4.10 Dust, Noise and Odor.

Every effort shall be made to control dust, noise (including the personal use of radios, CD and tape players), and odor emitted from a construction area. The contractor will be responsible for watering, screening or oiling dust problem areas as well as controlling noise and offensive odors from the home site.

Section 4.11 Prohibited Uses and Activities.

The following items are prohibited in this community:

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

ARTICLE V

Establishment of Schedule for Fines, Penalties and Charges Compliance and Enforcement

Section 5.1 Establishment of Fines, Penalties and Charges Enforcement Schedule

To facilitate compliance with the Declaration and these Design Guidelines, the AC establishes the following schedule for enforcement list of Fines, Penalties and Charges that they may apply and collect to Owners who are in violation of the Declaration, Rules and Regulations, and Design Guidelines:

<u>CCR / DG Code Section</u>	<u>Violation</u>	<u>Fee</u>
<u>DG 4.4</u>	<u>Excavation</u>	<u>\$20/ week until resolved</u>
<u>DG 4.2</u>	<u>Construction Hours 7am – 7pm</u>	<u>\$10/ incident</u>
<u>DG 3.41</u>	<u>Pet Waste</u>	<u>\$20/ incident</u>
<u>CCR 4.10 / DG 3.39</u>	<u>Leashed Pets</u>	<u>\$20/ incident</u>
<u>CCR 4.06</u>	<u>Nuisance</u>	<u>\$50/ Month until resolved</u>
<u>CCR 4.05</u>	<u>Trash Receptacles/ Refuse</u>	<u>\$5/ Day until resolved</u>
<u>DG 2.2</u>	<u>Unapproved Architectural Projects</u>	<u>\$50/ Month until resolved</u>
<u>CCR 4.01, 4.08 / DG 3.36</u>	<u>Landscape Maintenance</u>	<u>\$10/ Week until resolved</u>
<u>CCR 4.07</u>	<u>Lights, Sounds, and Odors</u>	<u>\$20/ Month until resolved</u>
<u>CCR 4.11 / DG 4.6</u>	<u>Vehicles</u>	<u>\$20/ week until resolved</u>
<u>CCR 4.12</u>	<u>Signs</u>	<u>\$10/ Month until resolved</u>

Schedule of Notices

The VCC and Board of Directors has established the following enforcement process applicable to Property Owners whose property or persons (residents, tenants, or guest) are found to be in violation of the Ventana Metropolitan District Declaration or Design Guidelines at any time.

1. **1st Notice of Violation (Courtesy Notice):** Written notice to the Property Owner advising the nature of the alleged violation and requesting confirmation of compliance within fourteen (14) days.
2. **2nd Notice of Violation (First Fine):** Written notice to the Property Owner advising that the previously alleged violation has not been corrected, advising of the commencement of fines, and requesting confirmation of compliance within fourteen (14) days.

3. **Notice of Continued Violation (Continued Fines):** Written notice to the Property Owner advising that the previously alleged violation has not been corrected, advising of the imposition of automatically reoccurring fines every thirty (30) days until the Property Owner has provided verification of correction of the violation to Management.
4. **Perpetual Fines:** No additional notices are required, beyond the Notice of Continued Violation. The sole responsibility for confirmation of compliance is borne by the Property Owner, who must correct the violation and provide timely proof of the corrected violation to the District Manager to halt additional fines. The Board of Directors, the VCC, and the District Manager share no responsibility for pursuit of proof of correction. Additional fines will not be waived for reported delays in delivery of proof of correction, which result in additional fines.

Schedule of Fines, Penalties and Charges

The AC and Board of Directors has established the following Schedule of Fines, Penalties and Charges (“Fine Schedule”) applicable to the aforementioned Schedule of Notices.

1. **1st Notice of Violation (Courtesy Notice):** No Fine
2. **2nd Notice of Violation (First Fine):** \$25
3. **Notice of Continued Violation (Continued Fines):** \$50
4. **Perpetual Fines:** \$100 every 30-days perpetually

All fines imposed in accordance with this Fine Schedule shall be considered due and payable within thirty (30) days from the date of each Notice and shall be subject to a late fees for each subsequent thirty (30) day period in which any portion of the fine remains unpaid; in addition to interest at the established per annum rate.

Section 5.2 Update and Publication

The ACe may from time-to-time update, modify, change, add to, or eliminate this ~~list-Schedule~~ and will consistently publish and advertise the current version of ~~this the list-Schedule~~ for general distribution to all Owners.

Commented [HS7]: 3rd Amendment to Design Guidelines
2024.03.27



Ventana Metropolitan District Architectural Submission/ Application Form

Home Owner (applicant): _____ Account #: _____
Property Address: _____ Zip: _____
Tenant/ Renter (if applicable): _____
Other Home Owner (if applicable): _____

Home Owner Contact Information:

Day Time Phone: _____ Night Time Phone: _____
Mailing Address (if different than property address): _____
State: _____ City: _____ Zip: _____
Email address: _____

Tenant Contact Information (if applicable):

Day Time Phone: _____ Night Time Phone: _____
Email address: _____

Contractor Information:

Contractor Name/ Company: _____
Contractor Phone: _____ Contractor Email: _____
Project Start Date: ___/___/____ Project End Date: ___/___/____

Modification or Addition Requesting (check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Detached Structure/ Building | <input type="checkbox"/> Fence | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Paint | <input type="checkbox"/> Play Equipment | <input type="checkbox"/> Retaining Wall |
| <input type="checkbox"/> Satellite Dish | <input type="checkbox"/> Solar Panels | <input type="checkbox"/> Exterior Modification |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Ornamentation | <input type="checkbox"/> Patio/ Arbor/ Deck |
| <input type="checkbox"/> Pool/ Spa | <input type="checkbox"/> Shed | <input type="checkbox"/> Other: _____ |

Legal Description of Modification:

Make sure you have attached/ included all of the following information:

- A completed Submission Form (including signature below the Owner Acknowledgement notice on next page)
- A description of the project, including; height, width, depth, materials, colors, etc.
- A complete materials list of the project, including; paint samples and/or stain color
- A picture or drawing of the intended/ existing project (sketches, clippings, catalog illustrations and other data or links to websites)
- A site plan showing the location of the house along with any other structures on your lot and the proposed structure (including dimensions from the property lines or other structures)

Please send your request to:

Ventana Metropolitan District
c/o WSDM
614 North Tejon Street
Colorado Springs, CO 80903

Phone: (719) 447-1777
Website: <https://ventanamd.colorado.gov>
Email: heather.s@wsdistricts.co

****For Office/ Committee Use Only:**

Date submission received: ___/___/_____ Committee Approval/ Denial Date: ___/___/_____
 APPROVED APPROVED W/ STIPULATIONS DENIED DENIED – INSUFFICIENT INFO

Stipulations/ Comments/ Suggestions:

Authorized By:

Owners Acknowledgements:

I understand:

- That no work on this request shall commence until I have received approval of the Architectural Control Committee (hereinafter, "AC")
- Any construction or alteration to the subject property prior to approval of the AC is strictly prohibited. If I have commenced or completed any construction or alteration to the subject property and any part of this application is disapproved, I may be required to return the subject property to its original condition at MY OWN EXPENSE. If I refuse to do so and the District incurs any legal fees related to my construction and/or application, I will reimburse the District for all such legal expenses incurred.
- That any approval is contingent upon construction or alterations being completed in a neat and orderly manner
- That there are architectural requirements covered by the Covenants and a board review process as established by the Board of Directors
- All proposed improvements to the property must comply with city, county, state and local codes. I understand that applications for all required building permits are my responsibility. Nothing herein shall be construed as a waiver of modification of any codes. My signature indicates that these standards are met to the best of my knowledge.
- That any variation from the original application must be resubmitted for approval
- That if approved, said alteration must be maintained per the Declaration of Covenants, Conditions and Restrictions for the Ventana Community.
- This alteration will not detrimentally affect the proper drainage of any common areas or surrounding lots. I will be responsible at my expense to correct any drainage problems to such areas that may occur as a result of this work or alteration. Additions or alterations must not affect the grades, swales, and drainage patterns established by Builder which assure that any water falling on the property surrounding the Residence whether from natural precipitation or lawn irrigation, will flow positively away from the Residence. I will be responsible at my expense for any damage caused to my house resulting from grading modified by this work or alteration.
- *The Applicant acknowledges and agrees that the Committee and District assume no liability resulting from the approval or denial of any plans submitted. The Committee and the District assume no liability and make no representations regarding the adequacy or quality of any submitted plans or whether such plans comply with any or all governing authority requirements. The AC's review, comments, and/or approvals do not relieve the Applicant of their responsibility and obligation to comply with the Declaration, Design Guidelines, or Rules and Regulations as applicable. The Applicant agrees to grant the AC and District accesses to property at any reasonable hour to inspect for compliance issues.*
- *It is the duty of the owner and the contractor employed by the owner to determine that the proposed improvement is structurally, mechanically and otherwise safe and that it is designed and constructed in compliance with applicable building codes, fire codes, other laws²⁴ regulations and sound practices. Your District, the AC*

Committee and any employee or member thereof, shall not be liable in damages or otherwise because of the approval or non-approval of any improvement.

I certify that the above information is an accurate representation of the proposed improvements and that the work will conform to applicable codes, covenants and standards. I also certify that the improvements will be completed in accordance with the approved application. I understand that construction is not to begin until approval has been received from the Architectural Control Committee. The Architectural Control Committee has permission to enter the property to make inspections, as they deem necessary.

Owner/Applicant Signature: _____ **Date:** ___/___/_____
Co-Owner/Applicant Signature: _____ **Date:** ___/___/_____

Informational Addendum:

REVIEW PROCESS – The AC will make every reasonable effort to expedite the review process. Applications will be reviewed for completeness and the AC may request additional information to help clarify your request.

APPLICATION – The application must be accompanied with necessary documentation, photos, drawings, brochures, and other information necessary to present to the AC. Property owners must sign the application. Contractor’s signatures will not be accepted in lieu of Property Owners signatures. Modifications are not permitted to commence until the application has been both reviewed and approved by the AC.

NOTIFICATION - All owners will be notified by email or in writing by mail (USPS) once a decision has been made.

APPEALS – If you wish to appeal the decision of the AC, a written request must be submitted in accordance with Section 2.8 of the Design Guidelines.

LANDSCAPE PLAN CHECKLIST:

- Landscape Plan at 1'=20' or 1'=30' scale**
- Lot lines, setbacks, easements, no-build areas
- Building location, driveway, walks, patios, decks, stairs
- Lawn or turf (type and location)
- Proposed trees (types, sizes and locations)
- Proposed shrubs and live groundcover (types, sizes, quantity and locations)
- Mulch (type, size and location)
- Retaining walls (height, material and location)
- Berms or any other grade alterations

ANCILLARY IMPROVEMENTS CHECKLIST:

- Privacy fencing (height, material and location)
- Dog run / Doghouse (size, materials and location)
- Play equipment (type, material, color and location)
- Sports equipment (type and location)
- Accessory Structures – gazebo, shed, hot tub, etc. (elevation, size and location)
- Exterior lighting (type, size and location)
- Other (specify)