

KENSINGTON RIDGE  
HOMEOWNERS ASSOCIATION, INC.

RESIDENTIAL IMPROVEMENT  
GUIDELINES  
AND  
RESIDENTIAL SITE RESTRICTIONS  
FOR  
KENSINGTON RIDGE AND  
COBBLESTONE VILLAGE

MAY 2011

## **ARTICLE I**

1.0 **INTRODUCTION** -These Standards and Procedures have been adopted to give direction to owners in preparing plans and designs that reinforce the appearance of high quality neighborhoods within the master planned setting. These Standards and Procedures apply to modifications, additions, alterations made on or to existing improvements, residential units or structures containing residential units and the open space.

Due to unique characteristics of individual Filings certain special requirements relating to house design, site planning, landscaping, fencing or any other facet of modification, addition or alteration may be applicable to a particular Filing.

Additionally, due to unique characteristics on individual Lots and/or groups of Lots, certain additional special requirements, relating to house design, site planning, landscaping, fencing, or any other facet of modification, addition or alteration, may be imposed by the Architectural Review Committee (ARC) during the review process.

### **1.1 Who administers the procedures set forth in these Standards and Procedures?**

The design review procedures are described in Article II below and are administered by the Architectural Review Committee (ARC). The ARC is composed of up to three members appointed by the Board of Directors of the Kensington Ridge Homeowners Owners Association, Inc.

The ARC's approval of any proposed modification, addition, or alteration is within the sole and unfettered discretion of the ARC as to quality of workmanship and design and harmony of external design with existing structures and as to location in relation to surrounding structures, topography and finished grade elevations.

### **1.2 Who is subject to the procedures set forth in these Standards and Procedures?**

The owner and her/his contractor desiring to undertake any modification, addition, or alteration within the boundaries of Kensington Ridge, is responsible for complying with the provisions of these Standards and Procedures and initiating the reviews and obtaining the approvals required by these Standards and Procedures before any such modifications are undertaken. There are no exemptions or automatic approvals. Each application will be reviewed on an individual basis.

### **1.3 What constitutes "Modification, Addition or Alteration"?**

A modification, addition, or alteration is an exterior change to any residential or non-residential structure or property and associated improvements, including but not limited to landscaping, signage and lighting (whether permanent or temporary) constructed or installed on a site within the boundaries of Kensington Ridge.

### **1.4 Application for Review.**

Application for ARC review is attached as Appendix A and additional copies of such applications and information regarding design review procedures can be obtained from the ARC or the Association's management company. All applications for approval of a modification, addition or alteration and other related materials, must be submitted to the Associations management company for review by or on behalf of the ARC three weeks before work commences.

### **1.5 Submittal and Response.**

All submittals required by Article II of these Standards and Procedures must be received, reviewed, and approved by the ARC prior to any commencement of modification, addition or alteration or other disturbance of the Lot.

The ARC will generally render and mail or email its written decision within ten business days after the ARC meeting in which the application for approval is considered.

1.6 **Meeting Schedule of the ARC.** The ARC will convene meetings for the review of applications on a need to meet basis and the location may be determined by the ARC.

## **ARTICLE II. SPECIFIC TYPES OF IMPROVEMENTS - GUIDELINES**

2.0 **INTRODUCTION.** These Standards and Procedures are intended to provide the framework for design and development standards, based upon which the Owner, Contractor and the Architectural Review Committee (ARC) will be able to make informed decisions related to all exterior design elements within Kensington Ridge. UNLESS OTHERWISE SPECIFICALLY STATED, DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE ARCHITECTURAL REVIEW COMMITTEE AND THE WRITTEN APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE MUST BE OBTAINED BEFORE THE IMPROVEMENTS ARE MADE.

These Standards and Procedures contain both rules and informational direction. Where the terms "shall" or "shall not" are used in a statement, the statement constitutes a binding rule. Where the terms "preferred" or the phrase "the ARC may permit" are used in a statement, the statement constitutes informational direction provided for the guidance and convenience of Owners and Contractors, and shall not create any duty of the ARC to approve or permit the design elements referred to in such statement, nor shall any Owner or Contractor rely in any manner upon the ARC's potential approval of such design element, which approval shall remain within the ARC's sole discretion.

Where the provisions of any applicable State of Colorado or City/County Standards are more restrictive than the provisions of these Standards and Procedures, the State of Colorado or City/County Standards shall be controlling. No variance from the State of Colorado or City/County Standards may be requested unless the prior written approval of the ARC shall have been first obtained. ARC approval does not supercede State of Colorado or City/County requirements.

2.1 **Accessory Buildings.** ARC approval is required. Approval will be based upon quality of workmanship, design and harmony of external design with existing structures, and upon location in relation to surrounding structures, topography, and finish grade elevations measured in part by the following standards:

- A. Must be of the same or generally recognized as complementary architectural style and color as that of the residence.
- B. Maximum sizes will be 8'(W) x 10'(L) x 9'(H) in height including skids, foundation and/or concrete slab and must match the exterior of the home (roofing and color). Requests for approval will be reviewed on a case-by-case basis, taking into consideration the lot size and proposed location of shed or accessory building.
- C. Must be screened from view of the street by a fence and/or plants.
- D. Should be located in the side yard whenever possible. If this is not possible, the structure should be located next to the owners house or in a location least visible by neighbors.
- E. Roof must be the same construction as the existing roof on residence.
- F. Shrubs and/or trees equal to 3/4 the height of the shed or accessory building at planting may be required for screening purposes. Amount, size and location of vegetation will be at Committee's discretion.
- G. Materials other than wood, masonite or that resembling the home will generally be discouraged.

2.2 **Additions/Expansions or Reconstruction.** ARC approval is required. Additions, expansions or reconstruction to the home will require submission of detailed plans and specifications.

2.3 **Address Numbers (on the home, curb, etc.).** ARC approval is required.

2.4 **Advertising.** See Signs.

2.5 **Air Conditioning Equipment.** ARC approval is required. Air conditioning equipment installed in the side yard should not be immediately visible to adjacent property owners. It should be installed in such a way that any noise to adjacent property owners is minimized. Installation of air conditioning equipment on the roof of the house or any window is not permitted.

2.6 **Antennae.** No exterior radio antennae, television antennae or other antennae may be erected in residential portions of Kensington Ridge unless entirely enclosed within a portion of an individual building constituting part of a residential Unit. Notwithstanding any local or federal law, all exterior installations must first be approved by the ARC.

2.7 **Arbors.** See Gazebos.

2.8 **Awnings.** ARC approval is required. Awnings may only be installed on the rear of a home. All awning material must be solid in color and match as close as possible either trim or body color of the home. A material swatch of the awning must be provided along with an identification of the color on the home (body or trim) that is being matched.

2.9 **Balconies.** See Decks.

2.10 **Basketball Backboards.** ARC approval is not required for basketball play equipment (except pole mounted), wherever located, upon compliance with all of the following:

- A. Backboards must be standard size and must be white or clear.
- B. Garage or house mounted backboards may not extend more than two (2) feet from the garage or house.
- C. All basketball equipment and apparatus must be maintained in a good and sightly manner.
- D. Portable basketball hoops may be utilized without ARC approval, provided they are properly maintained and are not placed on any public right-of-way, sidewalk or street.
- E. ARC approval **is required** for all pole mounted basketball backboards and the pole must be black or white.

2.11 **Birdbaths/Fountains.** See Statues.

2.12 **Bird Houses and Bird Feeders.** Committee approval is not required if limited to one 1 foot by 2 foot feeder (height not to exceed six (6) feet) and if no more than one in number is installed on any lot. A birdhouse or birdfeeder which is mounted on a pole may only be installed in the backyard. Birdhouses or birdfeeders may not be placed closer than six (6) feet from an adjoining lot or common area.

2.13 **Cable TV and Telephone Wiring/External Wiring.** Cable lines or other external wiring running from the cable box to the home must be properly buried. Cable lines running on the siding of the home must be properly hidden so as not to be visible from the street or neighboring properties. Cable lines must run parallel with all siding and trim boards and must be painted to match the existing color(s) of the home.

2.14 **Carports.** Are not permitted.

2.15 **Circular Drives.** See Driveways.

2.16 **Clothes Lines and Hangers.** ARC approval is required. Any clothes drying or hanging areas will be screened so as not to be visible from neighboring properties and streets.

2.17 **Decks.** ARC approval is required. Must be constructed of material that would be considered similar to the material of the residence. May be requested to plant vegetation for additional screening purposes. Must be installed as an integral part of the residence and patio area. Must be located so as not to obstruct or diminish greatly, the view of nearby property owners or to create an "unreasonable" level of noise for adjacent property owners.

2.18 **Dog Runs/Houses/Pens.** ARC approval is required. Must be located in rear or side yard behind the fence, abutting the home, and be substantially screened from view, provided it is limited in size to 200 square feet, is no more than five feet high and is constructed of chain link or wire mesh with wood or metal posts. Dog Runs must be fenced from view and positioned to be as unobtrusive to all neighbors as possible.

2.19 **Doors.** ARC approval is not required for the replacement or repainting of existing main entrance door(s) to a home or an accessory building if the material matches existing doors on the house.

- A. Storm/Screen Doors. ARC approval is not required for storm doors by Forever View, models " View", "View II", "Monticello", or "Mirage" or equivalent in design by another company. Colors to be utilized should be white or the body or trim color of the home. Homeowners wishing to utilize a different design storm/screen door or color must first obtain approval from the ARC.
- B. Security Doors. All security or security type doors and windows must be approved by the ARC prior to installation.

2.20 **Drainage.** Drainage shall conform to the Covenants, Conditions and Restrictions of the community and shall comply with all other applicable regulations, including but not limited to any County regulations and all applicable FHA and VA regulations. The proper drainage of the lot is the responsibility of the Owner and should not be altered from the original grading completed by the builder. Any landscape modifications must not alter the drainage of the lot.

2.21 **Driveways.** ARC approval is required for the extension or expansion of driveways. Any approved driveway expansion shall not be intended to promote or facilitate the parking or storage of any vehicle on the driveway or side yard.

2.22 **Evaporative Coolers.** See Air Conditioning Equipment and Swamp Coolers

2.23 **Exterior Lighting.** See Lights and Lighting.

2.24 **Fencing Guidelines.** ARC approval is required. Fence design and/or retaining walls may not be changed, altered, permanently removed, or painted. No permanent fixture or decoration may be hung over the fences.

- A. Any waterproofing or staining of fences must be with a clear or natural wood color. ARC requests must include a sample of the stain color for review and final approval. Solid stains will be considered as long as they are a conforming natural wood color
- B. Front facing fences (between homes facing the street) must be the full 6' cedar fence with a gate on one side to conform to all homes within Kensington Ridge. Split rail fences in front of the home facing the street are strictly prohibited.

2.25 **Flagpoles, Flags.** Approval is required for any freestanding flagpole. Approval is not required for flagpoles mounted to the front of the residence provided that they are temporary in nature. Under no circumstance may the height of the flagpole exceed the height of the roofline of the residence with a maximum length of six (6) feet. No flag shall exceed 20 square feet in surface area.

2.26 **Garbage Containers and Storage Areas.** See Trash Containers and Enclosures.

2.27 **Gardens - Flower.** ARC approval is not required. All flower gardens must be weeded, cared for and carefully maintained. Flowers should not exceed six (6) feet in height unless approved by the ARC.

2.28 **Gardens - Vegetable.** ARC approval is not required if no more than 100 square feet of the rear yard is utilized and the plants in the garden do not exceed the height of the rear yard fence at its lowest point. Must be located in the rear or side yard and screened or substantially screened from view of adjacent homeowners and the street. Vegetable gardens are not allowed in the front of a home or a side yard that is not enclosed by a fence.

2.29 **Gazebos/Arbors.** ARC approval is required. Must be an integral part of the landscape plan. Must not obstruct a neighboring property owner's view corridor. Must be similar in material and design to the residence, must be painted or stained the body or trim color of the residence and must comply with all existing set-back requirements. Roof material must match that of house, if applicable.

2.30 **Grading and Grade Changes.** See Drainage.

2.31 **Greenhouses/Greenhouse Windows.** ARC approval is required.

2.32 **Hot Tubs.** ARC approval is required. Must be an integral part of the deck or patio area. Location should not create an unreasonable level of noise for nearby property owners.

2.33 **Irrigation Systems.** Underground manual or automatic irrigation systems do not require approval of the ARC.

2.34 **Jacuzzis.** See Hot Tubs.

2.35 **Kennels.** See Dog Runs. If kennel structure is desired, ARC approval is required.

2.36 **Landscaping.** ARC approval is required. The ARC encourages the use of drought tolerant plant materials for new installations or existing landscape changes, referred to as xeriscape. Creative landscapes that conserve water - xeriscapes - are becoming more popular as homeowners look at cutting back on water consumption. Homeowners have inquired about covenants regarding xeriscaping and many have requested a list of suitable xeriscape plants. To those who have asked, "Do our covenants allow xeriscapes?" The answer is a definite "Yes!"

As an alternative to traditional landscaping, xeriscaping is water conservation planning through creative landscaping. Please remember that xeriscaping requires as much or more maintenance as traditional landscaping through at least the first three (3) years. Included with these guidelines (Appendix A) is a recommended plant list that you can utilize in your xeriscape plan. All xeriscape plans must incorporate the installation of a properly functioning irrigation system to help maintain the plantings.

In case of homeowners desiring to limit the amount of sod/turf (Kentucky Blue Grass) in their front, side or rear yards, with non-living materials, no greater than fifty (50%) percent of either the front or rear yard can be covered with non living materials. The transition from traditional landscaped areas to a xeriscape area must be taken into consideration with the plan, including lot boundaries of neighboring yards. The use of non-living materials such as mulch or rock can be an ideal replacement for turf areas and help provide landscape interest. Mulches modify the extremes of soil temperature, improve soil by producing humus, reduce evaporation loss, and reduce weed growth and slow erosion. Organic mulches are typically bark chips, wood grindings or pole peelings. The suggested minimum depth for mulches is three inches. Place mulch on breathable fabric. Avoid using sheet plastic in planting areas. The most attractive xeriscapes will have a minimum seventy-five (75%) percent or more of non-living material areas covered with plants, typically shrubs and groundcover beds, after three years growth. The use of sod, berms and/or various non-living materials to break up larger planting bed areas is encouraged. Inorganic mulches include rock and various gravel products. Suitable aggregate of dark, earthtone colors may be used as an alternative mulch material.

TREES: Deciduous trees planted in rear yards must be at least 5' from the property line. Conifer trees planted in rear yards must be at least 10' from the property line. Requests for trees to be planted closer to property lines will require written and signed approval from the adjacent homeowners and all plans must be submitted to ARC for approval.

2.37 **Latticework.** ARC approval is required for any type of trellis or latticework.

2.38 **Lights and Lighting.** ARC approval is not required for exterior lighting if in accordance with the following guidelines: Exterior lights must be conservative in design and be as small in size as is reasonably practical. Exterior lighting should be directed towards the house and be of low wattage to minimize glare sources to neighbors' and other homeowners. Lighting should not spill over into neighbors yards or houses. Lighting glare should not be visible from above the light source. Lighting for walkways generally should be directed toward the ground. Lighting fixtures should be dark colored so as to be less obtrusive. Any variance from these guidelines or use of high-wattage spotlights or flood lights requires ARC approval.

2.40 **Painting.** If you are changing the color scheme of your home, you must submit an architectural request form for approval, along with your color samples, and a general description of the colors of the houses on either side of your home. Only earth tone colors will be considered. You must also paint a sample area with the requested colors, no smaller than 12 X 12 and preferably on the rear or side of your home, for ARC review.

2.41 **Patio Covers.** ARC approval is required. Must be constructed of wood or material generally recognized as complementary to the home and be similar or generally recognized as complementary in color to the colors of the home. Free-standing patio covers may be permitted as well.

2.42 **Patios - Enclosed.** See Additions and Expansions.

2.43 **Patios - Open.** ARC approval is required. Must be an integral part of the plan and must be located so as not to create an unreasonable level of noise for nearby property owners. Must conform to standard development set-backs.

2.44 **Paving.** ARC approval is required regardless of whether for walks, driveways, patio areas or other purposes and regardless of the product used, which may include, but is not limited to concrete, asphalt, brick, flagstones, stepping stones or pre-cast patterned or exposed aggregate concrete pavers used as the paving material.

2.45 **Pipes.** See Utility Equipment.

2.46 **Play and Sports Equipment.** ARC approval is required. Approval will be based upon, but not limited to the following criteria:

- A. Must be screened by a fence.
- B. Should be located as close to the home as possible.
- C. Should not unreasonably obstruct adjacent neighbor's corridor views.
- D. Shrubs and/or trees equal to 3/4 the height of the play structure at planting may be required for screening purposes. Amount, size and location of vegetation will be at Committee's discretion.
- E. All play and sports equipment must be in a fenced yard.
- F. Use of the equipment should not create an unreasonable level of noise for the neighbors.
- G. Height of the structure cannot exceed 10 feet 8 inches.
- H. Any roofs on the structure must be made of the same material as the structure itself any slides or other similar attachments on the structure must be of a neutral color.

2.47 **Playhouses.** ARC approval is required. Must be an integral part of the landscape plan. Must not obstruct a neighboring property owner's view. Must be similar in material and design to the residence and painted or stained the body or trim color of the residence and must comply with all existing set-back requirements. Roof material must match that of the residence, if applicable.

2.48 **Poles.** See Flagpoles, Utility Equipment, Basketball Backboards, etc.

2.49 **Pools.** ARC approval is required. No swimming pools shall be installed above ground. Pumps and related equipment, and jacuzzi's and hot tubs shall be concealed so as not to be visible from neighboring properties and streets and not create an unreasonable amount of noise to the adjacent property owners.

2.50 **Radio Antennae.** See Antennae.

2.51 **Roofing.** Committee approval is not required for re-roofing with a material on the suggested roof list attached as Appendix B.

2.52 **Satellite Dish.**

- A. Before installation of any DBS (direct broadcast satellite) satellite dish that is one (1) meter or less in diameter, MMDS (multi-channel multi-point distribution service wireless cable) antenna that is one meter or less in diameter or diagonal measurement, or television (TBS) antenna (collectively referred to as an "antenna") is permitted, the Owner of the property where the antenna is being installed must first notify the Association in writing using an Architectural Request Form.
- B. The primary installation location for a DBS satellite dish and MMDS antenna shall be in a location in the backyard that is shielded from view from the street(s) and adjacent residences, provided such location does not preclude reception of an acceptable quality signal.

**NOTE: ARC approval of a satellite dish is in no way to be construed as a representation, guarantee, warranty, etc. by the ARC and/or the Kensington Ridge Homeowners Association, Inc. that reception signals will be adequate or will remain undisturbed by vegetation or improvements to be located on surrounding properties.**

2.53 **Saunas.** ARC approval is required.

2.54 **Screen Doors.** See Doors.

2.55 **Seasonal Decorations.** ARC approval is not required. Decorations may be put up no more than thirty days in advance of a holiday and must be removed within fifteen days after the holiday.

2.56 **Sewage Disposal System.** ARC approval is required. Cesspools, septic tanks or other non-central systems, other than recycling systems, are prohibited.

2.57 **Shutters, Exterior.** ARC approval is not required if the same material, color and design as the exterior of the house are utilized.

2.58 **Siding.** ARC approval is required.

2.59 **Signs.** ARC approval is required for most signs. ARC approval is not required for temporary signs advertising property for sale or lease which are no more than four (4) feet in height, and two (2) feet by three (3) feet in dimension. Signs must be installed at least 10 feet back from the public sidewalk. Signs must be parallel with the street for which the lot address is designated by the U.S. Postal Service.

There will be no more than one sign per lot allowed. Sold signs must be removed within 24 hours after closing, unless otherwise required by law.

All other signs, including address numbers and name plates, must be approved by the ARC. No lighted signs will be permitted on any lot.

Political signs may be placed on the lot or window at least forty-five (45) days before and seven (7) days after an election. Signs must be no larger 36x48 inches.

2.60 **Skylights.** ARC approval is required.

2.61 **Solar Energy Devices.** ARC approval is required. Non-gale or non-reflective finishes are preferred. See Rooftop Equipment.

2.62 **Spas.** See Hot Tubs.

2.63 **Sprinkler Systems.** See Irrigation Systems.



2.64 **Statues.** ARC approval is not required if they are installed in the rear yard, are a maximum height of four (4) feet, and are not visible from nearby properties.

2.65 **Storage Sheds.** See Accessory Buildings.

2.66 **Swamp Coolers (Evaporative).** Will be reviewed on a case-by-case basis.

2.67 **Swing Sets.** See Play and Sports Equipment.

2.68 **Television Antennae.** See Antennae.

2.69 **Temporary Structures.** ARC approval is required. Tents, shacks, temporary structures or temporary buildings are prohibited without the prior approval of the ARC, and except in unusual circumstances, such consent will not be given. Tents, freestanding awnings or canopies for occasional use will not require committee approval if left up for no longer than 72 hours within any seven-day period, and not placed in the front yard.

2.70 **Trash Containers and Enclosures.** Refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind shall be deposited in closed garbage cans or sealed garbage bags and taken to the edge of the street for scheduled collection not more than twelve (12) hours before such collection is scheduled. Emptied cans shall be removed from the edge of the street as soon as practical following collection. Except when temporarily placed at the edge of the street for scheduled collection, all garbage cans and other refuse containers shall be located in a suitable storage area within the residence, so as not to be visible from neighboring properties and streets.

2.71 **Treehouses.** Not permitted.

2.72 **Underground Installations.** ARC approval is required.

2.73 **Utility Equipment.** Installation of utilities or utility equipment requires ARC approval unless located underground or within an enclosed structure. Pipes, wires, poles, utility meters and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.

2.74 **Vents.** See Rooftop Equipment.

2.75 **Walls - Retaining.** ARC approval is required. Drainage cannot be altered due to the construction of a retaining wall.

2.76 **Water Systems.** ARC approval is required.

2.77 **Weathervanes.** ARC approval is required.

2.78 **Wells.** Not permitted.

2.79 **Window Bars.** ARC approval is required. Suggested guidelines for application are: mount inside the home and match the existing muntin bar design in the glass. If the home's windows do not have a muntin bar design in the glass, window bars still must have the muntin bar design to match the existing homes in that particular filing. All bars must match the existing window frame color.

2.80 **Windows and Window Tinting.** ARC approval is required, unless the windows are being replaced with the exact style and color as previously installed on the home. The use of muntin bars for all replacement windows is optional, but in all cases must be consistent with each side's exterior elevation. For instance, if the homeowner is replacing their windows in the front of the home only (the front elevation), then all the windows must have or not have the muntin bars. Any muntin design except for the

standard checkerboard must first be submitted to the ARC. Any type of window material except for standard glass must first be approved by the ARC (glazed, opaque, glass blocks etc.). For window tinting and window replacement applications, only non-glare or non-reflective tints will be considered. A sample of the material must be provided with the application for approval.

2.81 **Window Well Covers.** Window well covers which meet the following guidelines will be permitted without the need for ARC approval:

- A. Cover must be made of either clear plastic or metal and be flush with the window well. Cover shall not extend more than 3 inches beyond the edge of the window well and no more than 2 feet up on the foundation. All other types of window well covers must first be approved before installation.

2.82 **Wood Storage.** ARC approval is not required. Must be located in the back yard, adjacent to the house, must be neatly stacked, and must not be located so as to block any existing drainage pattern on the lot.

### **ARTICLE III MISCELLANEOUS**

3.1 **Authority and Enforcement.** The ARC has adopted these Standards and Procedures of the Architectural Review Committee of the Association pursuant to Article II, Section 2.2 of the Declaration. The ARC is directed to prepare and on behalf of the Board of Directors, promulgate Standards and Procedures which shall be the Standards and Procedures of the Association and the ARC has the sole and full authority to prepare and amend such Standards and Procedures.

The provisions for enforcement of the Declaration set forth in Article II, Section 2.2 of the Declaration, shall apply to the enforcement of these Standards and Procedures in addition to any other available remedies.

3.2 **Waiver, Amendment and Third Party Benefit.** The ARC maintains the right from time to time, at its sole discretion, to waive, amend or modify these Standards and Procedures. Neither the ARC nor its agents, representatives or employees shall be liable for failure to follow these Standards and Procedures as herein defined. These Standards and Procedures confer no third party benefit or rights upon any entity, Person, Lot Owner or Contractor.

3.3 **Non-Liability of the ARC.** Neither the ARC nor its respective members, Secretary, successors, assignees, agents, representatives, employees or attorneys shall be liable for damages or otherwise to anyone submitting plans to it for approval, or to any Builder by reason of mistake in judgement, negligence or nonfeasance, arising out of any action of the ARC with respect to any submission or for failure to follow these Standards and Procedures. The role of the ARC is directed toward review and approval of use, site planning, appearance, architectural vocabulary and aesthetics. The ARC assumes no responsibility with regard to design or construction, including, without limitation, the civil, structural, mechanical, plumbing, or electrical design, methods of construction, or technical suitability of materials.

3.4 **Accuracy of Information.** Any person submitting plans to the ARC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, utility locations, neighbor acknowledgment and other pertinent features of the site plans.

3.5 **Lot Owner and/or Contractor Representation.** Each Owner and Contractor represents by the act of entering into the review process with the ARC that all representatives of such Owner or Contractor, including, but not limited to, Lot owner and/or Contractor's architect, engineer, such Contractor's subcontractors and their agents and employees, shall be made aware by such Contractor of all applicable requirements of the ARC and shall abide by these Standards and Procedures and the Declaration with respect to approval of development plans and specifications.

3.6 **Conflicts with the Declaration of Covenants, Conditions, and Restrictions.** In the event of a conflict between these Standards and Procedures and the terms of the Declaration, the Declaration shall prevail.

3.7 **Kensington Ridge Homeowners Association-Use Restriction.** The Board of Directors of the Kensington Ridge Homeowners Association, Inc., may from time to time promulgate use restrictions governing the use of Lots and Association common areas.

3.8 **Regulatory Compliance.** It is the responsibility of the Owner and Contractor to obtain all necessary permits and to ensure compliance with all applicable governmental regulations and other requirements. Plans submitted for ARC review shall comply with all applicable building codes, zoning regulations and the requirements of all governmental entities having jurisdiction over the Building Project or property within Kensington Ridge. Regulatory approvals do not pre-empt the design review authority of the ARC, and ARC approval does not incorporate any governmental approvals, which governmental approvals shall be the sole responsibility of the Owner and Contractor.

3.9 **Final Approval.** In the event the ARC fails to approve or disapprove such plans or to request additional information reasonably required within forty-five (45) days after acknowledgment of the submission by the ARC, the plans shall be deemed approved. Notification of the ARC's final approval constitutes a binding agreement between the Owner and the Contractor and the Association. Deviation from the approved plans is prohibited, unless such proposed deviation has been submitted to the ARC and has been expressly approved by the ARC.

The ARC may in its discretion during a design review session, assist the Owner by suggesting alternative design solutions; however, such suggestions shall not necessarily constitute an approved design solution and the ARC shall not have responsibility for ensuring, or making any determination regarding compliance of such suggested design solutions with applicable governmental regulations and other requirements.

3.10 **Appeals.** Within ten (10) business days after notice of an ARC decision has been mailed, the Owner may file with the Management Company, or in their absence, the Secretary of the ARC, a written request that the ARC reconsider such decision. Any such request for reconsideration shall include a statement of the basis for such request and technical design information supporting such request. The ARC may require additional information in connection with any request for reconsideration. The Owner's written request for reconsideration may include a request to personally address the ARC at its next scheduled meeting.

All reconsiderations will be reviewed on a case by case basis, and the granting of a request for reconsideration with respect to one matter does not imply or warrant that a similar request will be granted with respect to any other matter. Each case will be reviewed on its own design merits, and in light of the overall objectives of these Standards and Procedures.

3.11 **Variances.** If the Owner, or her/his Contractor or designer(s), feels that any portions of these Standards and Procedures should be waived, based on the design characteristics of a particular building project, then the Owner may apply for a variance from such portion or portions of these Standards and Procedures. The burden of establishing why a specific portion of these Standards and Procedures should be waived lies with the Owner. The Owner shall provide reasonable assurance in the application for variance that the overall intent of these Standards and Procedures will be accomplished with the building project as proposed. The ARC may grant or deny the variance applied for in its sole discretion, and the granting of a particular variance with respect to one Lot does not imply or warrant that a similar variance will be granted with respect to any other Lot. Each variance request will be reviewed on a case by case basis in light of the overall objectives of these Standards and Procedures.

## Appendix A

## SUGGESTED PLANT LIST FOR XERIC LANDSCAPING

## TREES

Fraxinus americana 'Autumn Purple'  
Gleditsia triacanthos 'Skyline'  
Pinus cembroides var. edulis  
Pinus nigra  
Quercus robur

## SHRUBS

Amelanchier 'Autumn Brilliance'  
Amorpha canescens  
Chamaebatiaria millefolium  
Cytisus 'Moonlight'  
Perovskia atriplicifolia  
Physocarpus opulifolius 'Dart's Gold'  
Rhus trilobata  
Rhus typhina 'Laciniata'  
Ribes aureum  
Rosa glauca  
Rosa rugosa

## PERENNIALS

Achillea Hybrids  
 Agastache rupestris  
 Aquilegia chrysantha  
 Artemisia 'Powis Castle'  
 Artemisia stelleriana 'Silver Brocade'  
 Aster frikartii 'Monch'  
 Boltonia asteroides  
 Centranthus ruber 'Alba'  
 Diascia integerrima 'Coral Canyon'  
 Echinacea purpurea  
 Gaura lindheimeri  
 Geranium 'Patricia'  
 Helenium autumnale  
 Helenium 'Moerheim Beauty'  
 Heliopsis helianthoides 'Summer Sun'  
 Helianthus maximilianus  
 Lysimachia nummularia 'Aurea'  
 Macleaya microcarpa 'Kelway's Coral Plume'  
 Mahonia repens  
 Monarda didyma 'Jacob Cline'  
 Nepeta 'Dawn to Dusk'  
 Penstemon barbatus  
 Penstemon digitalis 'Huskers Red'  
 Penstemon palmeri  
 Penstemon pinifolius  
 Penstemon strictus  
 Petalostemon (Dalea) purpureum  
 Ratibida columnifera  
 Rudbeckia fulgida 'Goldstrum'  
 Rudbeckia triloba  
 Salvia nemorosa 'East Friesland'  
 Salvia nemorosa 'May Night'  
 Salvia verticillata 'Purple Rain'  
 Sedum 'Vera Jameson'  
 Tanacetum niveum  
 Verbascum phoeniceum  
 Zauschneria garrettii 'Orange Carpet'  
 Zinnia grandiflora

Autumn Purple Ash  
Skyline Honeylocust  
Pinon Pine  
Austrian Pine  
English Oak

Autumn Brilliance Serviceberry  
Great Plains Leadplant  
Fernbush  
Moonlight Broom  
Russian Sage  
Dart's Gold Ninebark  
Threeleaf Sumac  
Cutleaf Sumac  
Golden Currant  
Redleaf Rose  
Rugosa Rose

Moonshine Yarrow  
 Sunset Hyssop  
 Denver Gold Columbine  
 Powis Castle Sage  
 Perennial Dusty Miller Sage  
 Monch Summer Aster  
 Starflower  
 White Jupiter's Beard  
 Coral Canyon Twinspur  
 Purple Coneflower  
 Whirling Butterflies  
 Patricia Cranesbill  
 Helen's Flower  
 Moerheim Beauty Helen's Flower  
 False Sunflower  
 Maxmillian Sunflower  
 Golden Moneywort  
 Plume Poppy  
 Creeping Oregon Grape Holly  
 Bee Balm  
 Catmint  
 Scarlet Bugler Penstemon  
 Red Leaf Penstemon  
 Palmer Penstemon  
 Pine-Leaf Penstemon  
 Rocky Mountain Penstemon  
 Prairie Clover  
 Prairie coneflower  
 Goldsturm Black-eye Susan  
 Three-Leaved Black-eyed Susan  
 East Friesland Sage  
 May Night Sage  
 Purple Rain Sage  
 Mahogany Stonecrop  
 Snow Daisy  
 Purple Mullein  
 Orange Carpet Zauschneria  
 Rocky Mountain Zinnia

## DROUGHT TOLERANCE

[illegible]

### **ORNAMENTAL GRASSES**

Calamagrostis arundinacea var. brachytricha  
Calamagrostis arundinacea 'Karl Foerster'  
Chasmanthium latifolium  
Erianthus ravennae  
Helictotrichon sempervirens  
Miscanthus sinensis 'Little Nicky'  
Miscanthus sinensis 'Silberfeder'  
Panicum virgatum 'Prairie Sky'  
Panicum virgatum 'Rotstrahlbusch'  
Pennisetum alopecuroides 'Hameln'  
Pennisetum alopecuroides 'Mowdry'  
Schizachyrium scoparium  
Sorghastrum nutans

### **ANNUALS (seeded)**

Datura	***
Blue Flax	***
Sunflower spp.	***
California Poppy	***

- \* medium water = 1 inch/week
- \*\* low water = ½ inch/week
- \*\*\* very low water = ½ inch/every other week

Note: These water requirement figures are applicable after the establishment period of about three years.

## **Appendix B**

### Roof Replacements:

As the homes in our subdivision age, roof replacements become a major consideration. Looking at a home from the street, the roof comprises nearly half of the home's visible area. Though there are literally thousands of possible styles and roofing materials in the market, the emphasis for our subdivision will be on the higher quality materials. Three-tab shingles and other materials of the same or lesser quality will not be allowed.

The following are the minimum standards for approved roofing materials:

<b>Appearance:</b>	Must be a heavier weight of shingle.
<b>Weight:</b>	Minimum of 350 lbs. per square.
<b>Warranty:</b>	Minimum 40 year warranty.
<b>Wind Warranty:</b>	Protection against winds up to 100 mph.

### **APPROVED SHINGLES MEETING THESE CRITERIA**

#### **Dimensional Shingles**

GAF Grand Canyon

GAF Grand Sequoia

GAF Country Mansion

GAF Country Estates

GAF Grand Slate

GAF Stateline

GAF Timberline Ultra

CertainTeed Presidential TL

CertainTeed Carriage House

CertainTeed Grand Manor

Elk Prestique Plus High Definition

Elk Gallery Collection

Elk Domain Winslow

Tamco Declaration

#### **Tile Roofing**

EagleLite American Heirloom

EagleLite Ponderosa Tile Series Timber Range

EagleLite Seaboard Quarry Estate Tile Series

EagleLite Double Eagle Ponderosa

EagleLite Golden Eagle

Celadon Ceramic Slate

#### **Metal Roofing**

Metal roofing will be evaluated on an individual basis to determine suitability