



# **PIONEER HILLS OWNERS ASSOCIATION ARCHITECTURAL AND LANDSCAPE DESIGN RULES**

**Adopted by the Board of Directors  
On August 22, 2015  
and Amended on November 1, 2017  
and Amended on SomeMonth 00, 2019**

Pioneer Hills Homeowners:

You are a member of the Pioneer Hills Owners Association, a community association as provided under the Colorado Common Interest Ownership Act, C.R.S. §38-33.3-101, et seq., as amended (the "Act"). Per the recorded covenants, which are a condition of the ownership of your property, all members of the Pioneer Hills Owners Association and their properties are subject to Architectural Control as set forth in the recorded covenants as well as in the Architectural and Landscaping Design Rules.

Architectural Review includes, but is not limited to (a) the construction, installation, erection or expansion of any building, structure, or other improvement, including utility facilities and fencing, (b) the demolition or destruction, by voluntary action, of any building, structure, or other improvement, (c) the landscaping, grading, excavation, filling, or similar disturbance to the surface of the land including change of grade, change of ground level, change of drainage pattern, and (d) any change or alteration of any previously approved improvement to property, including any exterior change of appearance, texture or color.

Properly exercised architectural control will create and preserve an attractive community and preserve property values.

The lots subject to these Architectural and Landscaping Design Rules are divided between (4) Neighborhoods. A Neighborhood exhibit and a breakdown of lots located within each Neighborhood appear on the following pages. When reviewing these guidelines, you should refer to the guidelines specific to your Neighborhood.

**Note: While Neighborhood II continues to be a semi-autonomous Sub-Association, Neighborhood II/Sub-Association homeowners are subject to additional restrictions as enumerated in this document.**

Please refer to the enclosed Rules for information about design restrictions for the Pioneer Hills Owners Association and the proper procedure to submit plans for approval and acceptance. Contact information for submittals are located on the Design Review Form and Design Acceptance forms, or by visiting the community website. The website may be found at: [www.pioneerhillowners.com](http://www.pioneerhillowners.com).

Should you have any questions, please contact the Pioneer Hills Owners Association management company. Contact information is located on the Design Review and/or Acceptance Forms.

Sincerely,

Board of Directors  
Pioneer Hills Owners Association

**Legal Description of Neighborhoods:**

**Neighborhood I: Single Family Detached Lots**

Pioneer Hills at Cherry Creek Neighborhood  
Lots 1-21, inclusive, Block 1  
Pioneer Hills Subdivision, Filing No. 7;  
Lots 1-14, inclusive; Block 1 and Lots 1-12, inclusive, Block 2  
Pioneer Hills Subdivision, Filing No. 8

**Neighborhood II: Pioneer Hills Townhomes Sub-Association**

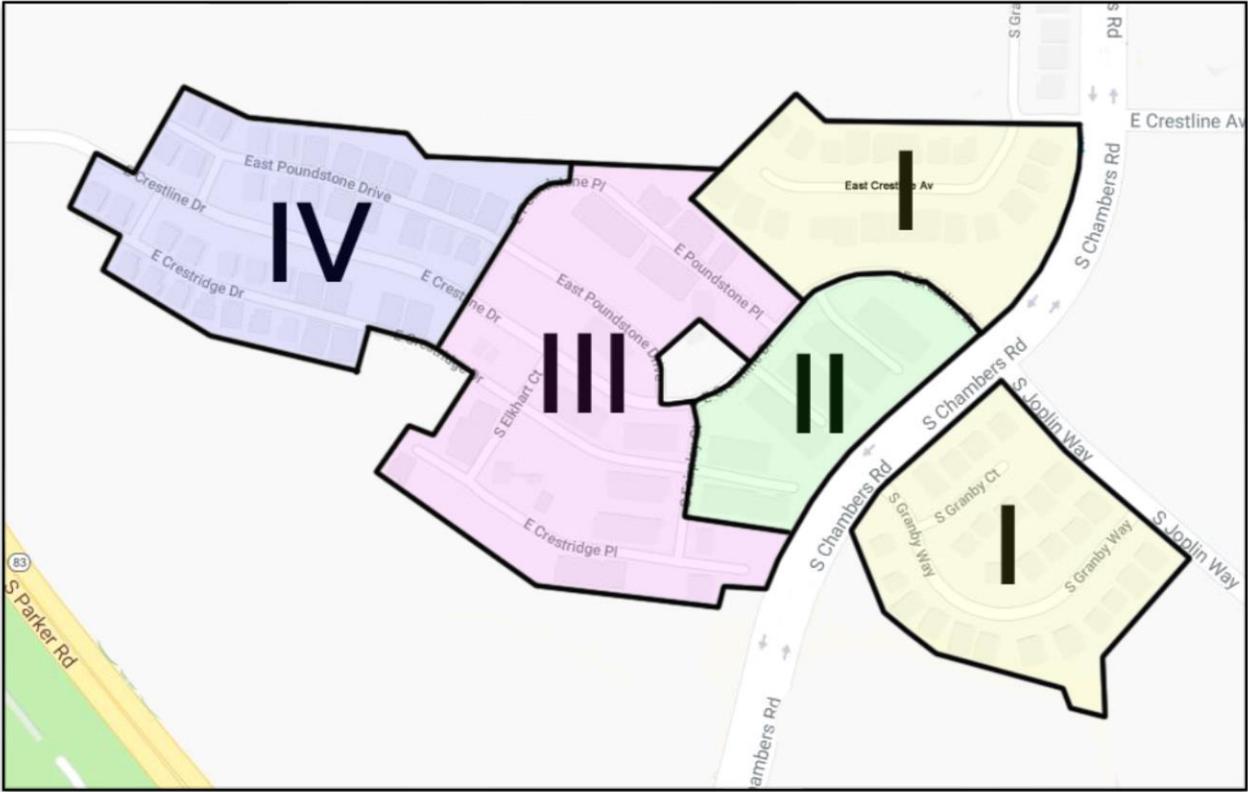
Lots 1-27, inclusive and Lots 100-105, inclusive, Block 2  
Pioneer Hills Subdivision, Filing No. 5

**Neighborhood III: Pioneer Hills Ryland Townhomes**

Lots 2-35, inclusive and Lots 82-91, inclusive, Block 1;  
Lots 28-36, inclusive; Lots 83-99, inclusive and  
Lots 106-144, inclusive, Block 2  
Pioneer Hills Subdivision, Filing No. 5

**Neighborhood IV: Pioneer Hills Paired Homes**

Lots 1-42, inclusive, Block 1  
Lots 7-46, inclusive, Block 2  
Pioneer Hills Subdivision, Filing No. 10



**ARTICLE I**  
**INTRODUCTION**

These Architectural and Landscape Design Rules have been prepared and/or modified by the Board of Directors (“Board”) of Pioneer Hills Homeowners Association, Inc. (“Association”) and are enforceable by the Association as provided by the Community Declaration for Pioneer Hills as well as the Supplemental Declaration for Pioneer Hills and any subsequent amendments or supplements to the Declaration.

The purpose of this document is to provide basic information about the Association, its Architectural Review Committee (“Committee” or “ARC”), Design Review submittal procedures for Improvements to Property, and other rules and regulations of the Association related to architecture and landscape. Please thoroughly review and consult the provisions of these Rules when preparing a request for the Architectural Review Committee.

The Architectural and Landscape Design Rules are not intended to supersede applicable Federal, State, or local codes or ordinances or laws. In case of conflict or discrepancy, or for subjects not addressed in the Architectural and Landscape Design Rules the governing agencies, codes and/or regulations shall take precedence.

The community is comprised of four (4) different Neighborhoods. Specific restrictions may apply, depending upon the Neighborhood in which you reside.

**ARTICLE II**  
**DESIGN REVIEW SUBMITTAL PROCEDURES**

The improvements you plan to make on your property **MUST BE SUBMITTED TO AND APPROVED BY THE ARC PRIOR TO COMMENCEMENT AND INSTALLATION**. The term "Improvements" includes but is not limited to all improvements, structures, and any appurtenances thereto or components thereof of every type or kind, and all landscaping features, to include, without limitation, buildings, outbuildings, swimming pools, tennis courts, patios, patio covers, awnings, solar collectors, painting or other finish materials or any visible structure, additions, walkways, sprinkler systems, garages, driveways, screening walls, retaining walls, stairs, decks, landscaping hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, exterior light fixtures, water features, poles, fixed basketball backboards and hoops, signs, exterior tanks, utilities, facilities, pipes, lines and exterior air conditioning, cooling, heating and water softening equipment if any. Owners may remodel, paint or decorate the interior of their structures without approval.

The ARC shall exercise its reasonable judgment to the end that all Improvements conform to and harmonize with the existing surroundings, residences, landscaping and structures. The ARC is not bound by decisions made regarding other homes. Each home and the Improvements located thereon are unique and may be treated differently by the ARC.

In addition to the required approvals of the ARC, the construction, erection, addition, deletion, change or installation of any Improvement shall also require the applicant to obtain the approval of all governmental entities with jurisdiction there over, and issuance of all required permits, licenses, and approval of all such entities.

**ARTICLE III  
PROCEDURES**

1. Prior to Project
  - a. Submit Design Request form {retrieved from the Association website}
  - b. Plans and specifications should be detailed and include the following:
    - i. Plot plan showing the location of the Improvement(s).
    - ii. Landscaping descriptions – identify trees and shrubs and quantity and species for each, mulch areas, flower beds, vegetable plots, and pathways, play equipment, etc.
    - iii. Height, width, length, materials description, and color samples for any structures or equipment.
    - iv. The Committee may require that other materials and additional information be provided.
  - c. The Committee shall decide each request for approval within forty-five (45) days after the complete submission of all plans, specifications and other materials and information which the Committee may require in conjunction therewith. If the Architectural Review Committee fails to decide any request within forty-five (45) days after the complete submission of all plans, specifications, materials and other information with respect thereto, then such request will be deemed to have been denied by the Committee.
  - d. Decisions will be mailed to you in written format and will be one of four responses:
    - i. Approved
    - ii. Approved with Conditions
    - iii. Denied - Request for additional information
    - iv. Denied
  - e. If a request is denied, you may appeal the decision of the ARC by submitting a written request through the management company within ten (10) days of decision. The appeal will be scheduled between the homeowners and the Board of Directors for resolution. The decision of the Board shall be final. No additional or further appeals are permitted, nor will any be recognized.
  - f. After approval of any proposed Improvement by the Architectural Review Committee, the proposed Improvement shall be accomplished as promptly and diligently as possible and in complete conformity with the terms and conditions of the approval.
    - i. Non-compliance will be deemed if
      1. Failure to complete the proposed Improvement within one (1) year or a shorter time period as designated by the ARC after the date of approval of the application, or
      2. Improvement is not in total and complete conformance with the terms and conditions of the approval.
  - g. The Architectural Review Committee may, in its discretion, grant extensions of time for completion of any proposed Improvement(s).
2. On Completion of Project
  - a. Submit Design Completion form {retrieved from the Association website}
3. Paired Home General Restrictions

- a. Homeowners shall not install any improvements, plantings, water features, wind chimes, bird baths, bird feeders, electric fences or other obstructions in the front, rear or adjacent tracts to their Lots, excepting within the fenced in rear yards in Neighborhood IV.
  
4. Townhome General Restrictions
  - a. Homeowners shall not install any improvements, plantings, water features, wind chimes, bird baths, bird feeders, electric fences or other obstructions in the front, side or rear of, or adjacent tracts to, their Lots.
  
5. Liabilities
  - a. The Association will not be responsible for any damage to any such obstructions or improvements located in the front, side or rear of, or adjacent tracts to, the Townhome Lots or the front, rear and side or adjacent tracts to the Lots in Neighborhood IV as a result of the Association's maintenance and repair activities.
  - b. Any Owner in violation of this restriction will be responsible for all costs incurred by the Association as a result of such violation, including without limitation, the cost of removal of such obstructions or Improvements and damage to mowers or other equipment.

**ARTICLE IV  
RULES, REGULATIONS and GUIDELINES**

- 1. Air Conditioning Units (See also Swamp/Evaporative Coolers)**
  - 1.1. Approval by the ARC is required for all neighborhoods;
  - 1.2. Ground-mounted equipment must be installed in your rear or side yard and every effort should be made to locate it away from your neighbors' bedroom and living areas;
  - 1.3. Rooftop units and window-mounted equipment are not permitted;
  - 1.4. The ARC may require screen fencing or landscaping to camouflage the unit;
- 2. Address Numbers**
  - 2.1. Approval is not necessary if replacement of address numbering matches exactly to existing size, location and color;
  - 2.2. Approval is required by the ARC to replace or relocate existing address numbers or with anything of different shape, size, texture, etc.
- 3. Awnings & Overhangs**
  - 3.1. Approval is required by the ARC prior to installation;
  - 3.2. Awnings or overhangs should be an integral part of the house or patio design;
  - 3.3. The color must be the same as, or generally recognized as, a complementary color to the exterior of the residence;
  - 3.4. Submittal must include swatches of fabric/material to be used;
  - 3.5. Awning must be of the retractable variety and closed when not in use;
  - 3.6. Any awning or overhang must be kept in a neat, clean and attractive condition;
- 4. Basketball Hoops**
  - 4.1. Not permitted in Townhome Neighborhoods;
  - 4.2. Approval is not required for portable hoops provided they are stored out of view from any street, common area or ground floor of any adjacent lot and the following guidelines are met:
    - 4.2.1. Pole mounted hoops are not permitted;
    - 4.2.2. Home mounted hoops are not permitted;
- 5. Birdbaths, Birdfeeders, Birdhouses**
  - 5.1. Not permitted in Townhome Neighborhoods III;
  - 5.2. Approval will not be required if the following guidelines are met:
    - 5.2.1. Birdbath does not exceed 2 feet wide x 2 feet long x 3 feet high in size;
    - 5.2.2. Birdhouse and/or birdfeeder does not exceed 1 foot wide x 1 foot long x 2 feet high in size;
    - 5.2.3. Birdfeed, birdbath or birdhouse is located in side or rear yard behind the fence only;
- 6. Clotheslines**
  - 6.1. Permanent clotheslines, drying racks and drying yards are not permitted in any Neighborhood;
  - 6.2. Retractable-type clotheslines are subject to ARC approval;
- 7. Decks (See also Patios)**
  - 7.1. Approval is required prior to installation of a new deck or before any changes are made to an existing deck;
  - 7.2. Decks must appear to be an integral part of the residence;
  - 7.3. No part of stairs or landings will be allowed to extend into the side property area beyond the foundation planes of the home;
  - 7.4. Deck railing must also match that of the deck, existing railing on the house or the general scheme within the community;
  - 7.5. Deck skirting is not allowed on decks that are more than 2ft above finished grade;
  - 7.6. No freestanding decks will be approved;

7.7. All decks must comply with local ordinance standards for minimum setbacks;

7.8. The homeowner is responsible for deck maintenance;

**8. Doors (See also Painting)**

8.1. ARC approval is required for any changes;

8.2. Screen/Storm/Security doors: Must be a neutral color, or match existing color of home;

8.3. Ornamentation such as scrollwork and filigree is not permitted on the screen/storm/security door;

8.4. Unpainted aluminum doors are not permitted;

**9. Drainage**

9.1. There shall be no interference with the established drainage pattern over any property within the Community except as approved in writing by the ARC;

9.2. Approval shall not be granted unless provision is made for adequate alternate drainage;

9.3. The "established drainage pattern" shall mean the drainage pattern that exists at the time the overall grading of any property is completed by the builder/developer and shall include any established drainage pattern shown on any plans approved by the ARC;

9.4. Each property owner is required to contain mud, silt, or other debris on his/her own property;

9.5. Owners are not allowed to increase or decrease historical flows of water onto adjacent common area tracts or a neighbor's property;

**10. Driveways & Sidewalks**

10.1. Extension, expansion or widening of a driveway is not permitted;

10.2. Parking in rear or side yard area is not permitted;

10.3. Sidewalk or walkway additions of any kind require prior approval of the ARC prior to installation;

10.4. Driveways in Neighborhood I subject to Concrete cancer, spalling, flaking, and/or multiple cracking may be required by the ARC to be repaired or replaced;

**11. Fences**

11.1. Approval is required prior to installation or modification of any fencing;

11.2. Perimeter/Open Space fencing installed by the builder/developer may not be removed, changed, or modified;

11.3. No homeowner-installed gates will be allowed in any fencing to provide access from lots to open space areas, common areas, or limited common areas;

11.4. No double fencing is permitted;

11.5. Each Owner shall be responsible for maintaining, repairing, and replacing, in a reasonably attractive manner, any fence located on such Owner's lot, unless such fence is to be maintained by the Association;

11.6. Any fence installed by the respective builder and located on a lot line between two Lots shall be maintained jointly by the Owners of such Lots;

11.7. Any fence located on a lot line between two lots that was installed by one of the Owners shall be maintained on both sides and top by the Owner who installed the fence.

**12. Flags and Flagpoles**

12.1. All permanent flag installations require ARC approval;

12.2. The display of the American flag on an Owner's property is permitted provided that:

12.2.1. the flag is displayed in a manner consistent with the laws applicable thereto (e.g., the Federal Flag Code P.L. 94-344; 90 stat. 810; 4 U.S.C SECS 4 to SECS10, as the same may be amended and/or replaced from time to time); and is attached to a flagpole not to exceed twenty (20) feet in height or attached to the structure of the home and must have a removable pole; and

12.2.2. the flag is no larger than three feet by five feet in size.

12.3. The display of a service flag bearing a star denoting the service of the Owner or an occupant of

the unit or of a member of the Owner's or occupant's immediate family in the active or reserve military service during a time of war or armed conflict is permitted provided that:

12.3.1. the service flag is located on the inside of a window or door of the residence, and;

12.3.2. the size and manner of display, is no larger than nine inches by sixteen inches in size;

12.4. Sports teams flags must follow the guidelines above and will be allowed during ONLY the calendar day of a single sporting event (not the entire sport season);

12.5. Holiday flags will be allowed not more than 15 days prior to the holiday, and must be removed within 3 days after the holiday;

12.6. ALL flags shall at all times be flown in a neat and attractive condition;

12.7. ALL OTHER FLAGS ARE PROHIBITED.

### **13. Gazebos & Other Accessory Structures (See also Sheds & Storage Structures)**

13.1. Gazebos and other structures are not permitted on any townhome lot;

13.2. Approval by the ARC is required prior to installation for all structures;

13.3. Each submittal will be considered on its individual merit and intent;

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

14.1. Approval is required by the ARC prior to installation of any exterior hot tub, spa equipment, sauna or jacuzzi;

14.2. The device and supporting equipment must be designed as an integral part of a deck or patio area;

14.3. installed in such a way that it is not immediately visible to, or will adversely impact neighbors by noise, drainage or other such problems;

14.4. The equipment will only be permitted in back yards at ground level;

### **15. Landscaping**

15.1. Single Family Homes - Neighborhood One:

15.1.1. Front and rear landscaping must be in a neat and attractive condition, this includes:

15.1.1.1. regular and periodic lawn mowing;

15.1.1.2. pruning of trees and bushes;

15.1.1.3. removal of weeds;

15.1.1.4. removal of dead foliage, and

15.1.1.5. timely replacement of dead turf (grass, lawn);

15.1.2. Approval of the ARC is required prior to the installation of artificial turf;

15.1.3. Artificial turf is allowed ONLY in back yards fully enclosed by a fence and must not be visible from the street or any common area tracts;

15.1.4. Homeowner is responsible for irrigation (water) costs for front, side and rear yards;

15.2. Single Family Homes - Neighborhood Four:

15.2.1. Side yard landscaping must be installed within six months after initial conveyance of the Property to the Owner, with consideration given to planting season.

15.2.2. Landscaping plans must be submitted to the ARC for review and approval prior to installation;

15.2.3. Side yard landscaping must be in a neat and attractive condition, this includes:

15.2.3.1. regular and periodic lawn mowing;

15.2.3.2. pruning of trees and bushes;

15.2.3.3. removal of weeds;

15.2.3.4. removal of dead foliage, and

15.2.3.5. timely replacement of dead turf (grass, lawn);

15.2.4. Approval of the ARC is required prior to the installation of artificial turf;

15.2.5. Artificial turf is allowed ONLY in back yards fully enclosed by a fence and must not be visible from the street or any common area tracts;

- 15.2.6. Homeowner is responsible for irrigation (water) costs for side yards;
- 15.2.7. Any/ all plantings outside the front or back fences require ARC approval;
- 15.3. Townhomes – Neighborhoods Two and Three:
  - 15.3.1. ALL landscaping is the responsibility of the Association.
  - 15.3.2. Any/all plantings require ARC approval;

**16. Painting, Exterior**

- 16.1. Neighborhood I:
  - 16.1.1. Exterior painting requires ARC approval.
- 16.2. Neighborhoods II, III & IV:
  - 16.2.1. Exterior painting shall be conducted by the Association;
  - 16.2.2. Homeowners are not permitted to paint the home exteriors;

**17. Patios**

- 17.1. ARC approval is required prior to modification or new installation of a patio;

**18. Play Equipment**

- 18.1. Neighborhood One and Four
- 18.2. Play equipment such as sandboxes, playhouses and tents, putting greens shall require approval of the ARC;
- 18.3. Generally, such equipment may not be more than 10 feet high and must be in good repair (including painting) and located in the back yard and a minimum of 8 feet from any property line;
- 18.4. Equipment such as fort-style play structures, swing sets, climbing equipment, sport courts or any other equipment higher than 10 feet shall not be permitted;
- 18.5. The storage and use of toys, play equipment and temporary recreational facilities shall be stored out of sight when not in use;
- 18.6. Lots located adjacent to open space tracts, or along neighborhood thoroughfares will require special consideration by the ARC due to the potential increased visibility of the play equipment;

**19. Retaining Walls**

- 19.1. Retaining walls may not be constructed by homeowners in the Townhome Neighborhoods.
- 19.2. Approval by the ARC is required for all retaining walls.
- 19.3. Any retaining/landscape wall in excess of 36" in height is required to have a professional engineer's certificate accompany the request.
- 19.4. Retaining walls cannot divert ground water onto adjoining properties;
- 19.5. Retaining walls cannot substantially change the existing drainage pattern;
- 19.6. Retaining walls may not be constructed from cinder blocks;
- 19.7. Retaining walls must be earth toned and must be integrated into the overall landscaping plan;

**20. Roofing**

- 20.1. No roofing changes or installations are permitted in the Townhome or Paired Home Neighborhoods;
- 20.2. Approval is required before installation/repair;
- 20.3. Shingles must be composition roof material only;

**21. Sheds and Storage Structures**

- 21.1. Sheds or storage structures are not allowed on any Lots.

**22. Solar Energy Devices**

- 22.1. Approval by the ARC is required prior to installation;
- 22.2. All such devices must be integrated into the existing design of the home;
- 22.3. If roof mounted, shall be at the same pitch and angle of the existing roof;
- 22.4. No exterior plumbing may be visible from the street or adjoining properties;
- 22.5. All solar energy devices must be installed by a professional.

**23. Swamp/Evaporative Coolers (See also Air Conditioning Units)**

- 23.1. Approval by the ARC is required for all neighborhoods.
- 23.2. Ground-mounted equipment must be installed in your rear or side yard and every effort should be made to locate it away from your neighbors' bedroom and living areas;
- 23.3. Rooftop units and window-mounted equipment are not permitted;
- 23.4. The ARC may require screen fencing or landscaping to camouflage the unit.

**24. Water Features**

- 24.1. Water features are not permitted in Townhome Neighborhoods;
- 24.2. Approval by the ARC is required;
- 24.3. Water features must be consistent with your yard and must be integrated into the overall landscape plan;
- 24.4. Proximity to a neighbor's living space will be taken into account by the ARC when considering such a request;
- 24.5. Water features will only be permitted in the backyard;

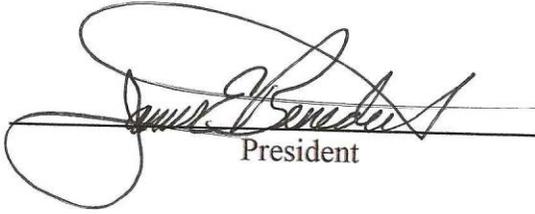
**25. Windows and Coverings**

- 25.1. Window replacement requires ARC approval;
- 25.2. Reflective glass and reflective window tinting are not permitted;
- 25.3. No temporary window coverings are permitted;

( signatures on following page )

PIONEER HILLS OWNERS ASSOCIATION, INC.

By:

  
\_\_\_\_\_  
President

This Resolution regarding Architectural and Landscape Design Rules was adopted by the Board of Directors on the 13<sup>th</sup> day of February, 2019, effective on the 13<sup>th</sup> day of February, 2019 and is attested to by the Secretary of PIONEER HILLS OWNERS ASSOCIATION, INC.

By:

  
\_\_\_\_\_  
Secretary